



Statistical Report – Fiscal Year 1994



Statistical Report - Fiscal Year 1994





Office of the Assistant Attorney General

Washington, D.C. 20530

INTRODUCTION

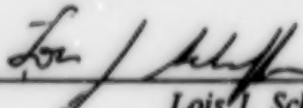
I am delighted to present the Environment and Natural Resources Division's Annual Statistical Report for fiscal year 1994.

Information in this report was extracted from the Attorney Timekeeping System, which contains time billed on cases and categories by attorneys and paralegals, and the Lands Docket Tracking System (LDTS), a comprehensive information system, which tracks all Division cases and matters from the time of inception through final disposition.

The report begins with a summary of significant achievements and accomplishments of the Environment Division for fiscal year 1994 and is followed by monetary awards in civil and criminal cases and appellate outcomes. The report continues with detailed data relating to openings, closings, and filings. How the Division spends its time is then identified by statute, case type, client agency, and district for each of the sections. Cases with the most time billed in fiscal year 1994 is provided as well. The report concludes with an analysis of the average time the Division can reasonably expect certain types of cases to remain active.

As demonstrated by the report, this has truly been a banner year for our civil enforcement staff. The Division secured assessments of over \$64 million in civil penalties in fiscal year 1994. Large monetary recoveries are significant because they help assure that corporate America will not view penalties imposed for violation of pollution laws as simply another cost of doing business. We also had continuing success in enforcing the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). The Division has recovered over \$325 million in payments to the Superfund in fiscal year 1994, and has played an active role in EPA's initiative to improve administration of the program. Also, in pollution areas generally, the Division has secured more than \$1.2 billion in injunctive relief and commitments for cleanup work in cases litigated on behalf of EPA. Lastly, during this fiscal year, defendants in criminal cases were sentenced to over 152 years' incarceration, including supervised release terms, for violations of wildlife and pollution statutes.

These achievements could not have been possible without the dedication, hard work and perseverance of all Division employees and the combined litigation effort of the talented and experienced personnel in the United States Attorneys' Offices and our client agencies.


Lois J. Schiffer
Assistant Attorney General
Environment and Natural Resources Division

IN MEMORIAM

The Environment and Natural Resources Division dedicates this year's Annual Statistical Report to the memory of John Belt, an outstanding employee who devoted over 20 years of service to the Division.

JOHN R. BELT

March 3, 1955 - November 2, 1994

John Belt joined the Division in October 1974 as a student-aide assigned to the Executive Office. Upon his high school graduation, he was immediately hired as a permanent employee and assigned to our Mail Distribution and Copying Unit. From there, John distinguished himself in his career and, most recently, became a Management Assistant for the Executive Office.

Over the years, John received numerous commendations, awards, and letters of appreciation not only from within the Division and Department, but from other government agencies and outside entities as well. John was an outstanding role model for the many young people he trained over the years and, by example, taught patience, a love of good work and pride in achievement.

Perhaps the best known person in the Division, John always took time to make someone smile with his clever wit and endless good humor -- and sometimes with his loving growl. John loved jazz music, computer games and new technology; he charmed Division personnel daily with his delightful and endless supply of adages. He loved to be loved, which was evident from the generous and thoughtful way he treated all people, and from the profound way in which he touched our lives. John's greatest joy was his family: his wife, Pam, and his children, Marcia and Alan. He grieved whenever they had to be away from home and rejoiced when they returned. A gentle man of great humility, John will always be remembered for his hearty laugh, his loyalty, and his ever-present crossword puzzles.

A FAREWELL TO MYLES E. FLINT



Twenty-six years after he joined the "Lands" Division as a young trial attorney, Myles Flint retired as our career Deputy Assistant Attorney General, having earned the friendship and respect of thousands of employees whom he met and worked with during his distinguished career.

During his tenure with the Department, Myles worked for 11 Assistant Attorneys General, and his superb lawyering and managerial skills were recognized by each of them. His substantial contributions to the Division as one of its preeminent lawyers are numerous. Some of his recent litigation triumphs include United States v. South Florida Water Management District, et al. This precedent-setting litigation, involving potentially millions of dollars, sought to compel the State of Florida to enforce its environmental laws and prohibit contamination of the water that flows into the Everglades National Park. He was also the senior federal official who negotiated with the Syntex defendants in United States v. Bliss, a CERCLA case in which the United States sought injunctive relief and cost recovery in connection with the dioxin contamination of 28 sites in Eastern Missouri, including the entire town of Times Beach. As one of the nation's experts in water law, he played an active role in important challenges to water projects and federal water allocations in the arid western states. He was also the Division's foremost authority on Indian law, and he was selected as the first chief of a section that was created to litigate on behalf of Indian tribes. In that capacity, he supported rights granted Indians under treaties, statutes and Executive Orders.

Myles received his B.A. from Reed College in Portland, Oregon, in 1958 and his J.D. from the University of Colorado School of Law in 1962. He worked as an attorney in the private sector in Santa Fe, New Mexico, until 1965 at which time he was appointed Special Assistant Attorney General for the New Mexico Public Service Commission. Shortly thereafter, he was named Assistant Attorney General for the State of New Mexico. In 1968, Myles began his career with the Federal Government as a trial attorney in the "Land" and Natural Resources Division. In 1974, he was appointed an Assistant Section Chief in the General Litigation Section; in 1975 he was named Chief of the newly-created Indian Resources Section; and in 1981, he was appointed Chief of the General Litigation Section. Finally, in 1984, he was chosen to serve as the Deputy Assistant Attorney General and remained in that position until his retirement in August 1994.

Any description of Myles' remarkable accomplishments would be incomplete without recognizing his exemplary management skills. He brought to each assignment an intense legal mind, a pragmatic approach to problem solving, boundless energy, and a warm sense of humor.

TABLE OF CONTENTS

	PAGE
<i>The Division</i>	1
<i>Division Personnel Growth - FY90-FY94</i>	2
<i>Division Organization Chart</i>	3
<i>Significant Achievements and Accomplishments - FY94</i>	5
Section 1: Case Outcomes	
<i>Civil Affirmative and Defensive Monetary Awards - FY94</i>	27
<i>Division Civil Awards by Section and Agency - FY94</i>	28
<i>Division Civil Awards by Section and Category - FY94</i>	30
<i>Civil Affirmative Awards - FY94</i>	32
<i>Criminal Case Activity - FY94</i>	33
<i>Criminal Awards, Restitution, and Special Assessments - FY94</i>	34
<i>Civil and Criminal Assessments - FY92-FY94</i>	35
<i>Total Amount Assessed in Civil Affirmative and Criminal Litigation - FY92-FY94</i>	36
<i>Total Amount Assessed in Civil Affirmative and Criminal Litigation by Statute/Category - FY94</i> ..	37
<i>Total Amount Assessed in Civil Affirmative and Criminal Litigation by Judicial District - FY94</i> ..	39
<i>Division Return on Investments - FY94</i>	44
<i>Debt Collections - FY94</i>	45
<i>Citizen Enforcement Suits</i>	46
<i>Appellate Section Case Outcomes - FY92-FY94</i>	48
Section 2: Workload Analyses	
<i>Division Case/Matter Activity Report - FY94</i>	51
<i>Division Cases and Matters Received, Closed and Pending - FY90-FY94</i>	52
<i>Division Cases and Matters by Case Type - FY94</i>	54
<i>Appellate Section Analysis - FY90-FY94</i>	55
<i>Division Case Filings by Section and Category - FY94</i>	56
<i>Division Workload by Section and Category - FY90-FY94</i>	58
<i>Division Civil, Criminal, and Condemnation Cases by Judicial District/Court - FY94</i>	67
<i>Division Civil Cases Pending at the End of the Fiscal Year by Judicial District/Court - FY94</i>	70
<i>Division Criminal Cases Pending at the End of the Fiscal Year by Judicial District/Court - FY94</i> .	71
<i>Division Cases and Matters by Client Agency - FY94</i>	72
<i>Division Statistics by Section and Assignment Type - FY90-FY94</i>	73
<i>Division Cases and Matters Pending by Assignment Responsibility - FY94</i>	77
<i>Appellate Section Oral Arguments - FY94</i>	78

Section 3: Case Time Analyses

<i>Attorney Time on Cases and Categories by Section - FY94</i>	81
<i>Paralegal Time on Cases and Categories by Section - FY94</i>	82
<i>Division Court Time and Overtime by Section - FY94</i>	83
<i>Attorney and Paralegal Time on Cases and Categories - FY94</i>	84
<i>Division Top Twenty Cases and Matters - FY94</i>	85
<i>Division Top Twenty Cases and Matters - FY92-FY94</i>	86
<i>Section Top Ten Cases and Matters - FY94:</i>	
<i>Administration (Litigation Support)</i>	87
<i>Appellate Section</i>	87
<i>Environmental Crimes Section</i>	88
<i>Environmental Defense Section</i>	88
<i>Environmental Enforcement Section</i>	89
<i>General Litigation Section</i>	89
<i>Indian Resources Section</i>	90
<i>Land Acquisition Section</i>	90
<i>PLSL Section</i>	91
<i>Special Litigation</i>	91
<i>Wildlife and Marine Resources Section</i>	92
<i>Division Time by Category - FY94</i>	93
<i>Division Time by Category - FY92-FY94</i>	95
<i>Division Time by Category (Over 100,000 Hours) - FY92-FY94</i>	97
<i>Division Time by Category (17,000 to Less Than 100,000 Hours) - FY92-FY94</i>	98
<i>Division Time by Category (9,000 to Less Than 17,000 Hours) - FY92-FY94</i>	99
<i>Division Time by Category (5,000 to Less Than 9,000 Hours) - FY92-FY94</i>	100
<i>Time by Category - FY94 and FY92-FY94:</i>	
<i>Administration (Litigation Support)</i>	101
<i>Appellate Section</i>	102
<i>Environmental Crimes Section</i>	103
<i>Environmental Defense Section</i>	104
<i>Environmental Enforcement Section</i>	105
<i>General Litigation Section</i>	106
<i>Indian Resources Section</i>	107
<i>Land Acquisition Section</i>	108
<i>PLSL Section</i>	109
<i>Special Litigation</i>	110
<i>Wildlife and Marine Resources Section (Civil Cases)</i>	111
<i>Wildlife and Marine Resources Section (Criminal Cases)</i>	112
<i>Section Attorney and Paralegal Time (Time Sections Spent on Its Cases and on Cases Assigned to Other Sections) - FY94</i>	113
<i>Division Attorney and Paralegal Time (by Case Type) - FY94</i>	117
<i>Division Attorney and Paralegal Time (by Case Type) - FY92-FY94</i>	118
<i>Division Attorney and Paralegal Time (by Client Agency) - FY94</i>	119
<i>Section Attorney and Paralegal Time (by Client Agency) - FY94</i>	120
<i>Division Attorney and Paralegal Time on EPA Cases (by EPA Region) - FY94</i>	121

<i>Division Attorney and Paralegal Time (by Judicial District in Alphabetical Order) - FY94</i>	<i>122</i>
<i>Division Attorney and Paralegal Time (by Judicial District in Descending Order by Hours Billed) - FY94</i>	<i>125</i>

Section 4: Case Duration

<i>Average Number of Months Cases are Open (by Section)</i>	<i>131</i>
<i>Average Number of Months Cases are on Appeal (by Section)</i>	<i>132</i>
<i>Average Number of Months Types of Cases are Open:</i>	
<i>Appellate Section</i>	<i>133</i>
<i>Environmental Crimes Section</i>	<i>134</i>
<i>Environmental Defense Section</i>	<i>135</i>
<i>Environmental Enforcement Section</i>	<i>136</i>
<i>General Litigation Section</i>	<i>137</i>
<i>Indian Resources Section</i>	<i>138</i>
<i>Land Acquisition Section</i>	<i>139</i>
<i>Wildlife and Marine Resources Section (Civil Cases)</i>	<i>140</i>
<i>Wildlife and Marine Resources Section (Criminal Cases)</i>	<i>141</i>
<i>Glossary</i>	<i>142</i>
<i>Commendations</i>	<i>143</i>

THE DIVISION

The Environment and Natural Resources Division, formerly known as the Land and Natural Resources Division, was created on November 16, 1909, as the Public Lands Division. For the first 50 years, the Division's litigation was primarily concerned with federal lands, water and Indian disputes. As the nation grew and developed, the Division's areas of responsibility expanded to include litigation concerning the protection, use and development of the nation's natural resources and public lands, wildlife protection, Indian rights and claims, cleanup of the nation's hazardous waste sites, the acquisition of private property for federal use, and defense of environmental challenges to government programs and activities. Staffing over 650 employees in Washington, D.C., Anchorage, Denver, Sacramento, San Francisco and Seattle, the Division is the nation's environmental lawyer, and the largest environmental law firm in the country. (See the following chart for an allocation of these positions.)

The Division is organized into nine litigating sections with different areas of expertise and an Executive Office. The Appellate Section handles appeals culminating from the litigating sections, as well as various matters originating in the courts of appeals, and assists the Solicitor General when the Division's cases reach the Supreme Court. Pollution litigation is handled principally in the Environmental Crimes Section which prosecutes criminal environmental cases, the Environmental Defense Section which defends EPA's rulemakings and administrative actions against challenge and defends all agencies of the government in litigation under the pollution control laws, and the Environmental Enforcement Section which enforces the nation's environmental laws. The General Litigation Section conducts prosecutorial and defensive litigation involving federal property and natural resources not subject to one of the Division's specialized sections, and defends claims filed by Indian tribes against the United States. Indian litigation is also handled in the Indian Resources Section which litigates either to defend tribal interests or to bring actions on their behalf. The acquisition of property for Congressionally authorized purposes is handled by the Land Acquisition Section. Providing advice on legislation and policy is the Policy, Legislation, and Special Litigation Section which serves as special counsel to the Assistant Attorney General, acts as liaison with interagency working groups, monitors citizen suits under the environmental laws and participates as amicus curiae, when appropriate. Prosecuting and defending criminal and civil cases arising under the federal fish and wildlife laws is the Wildlife and Marine Resources Section. Lastly, the Executive Office serves as administrator to the Division on financial management, personnel, automated systems, debt collection, litigation support, space acquisition and management, and procurement.

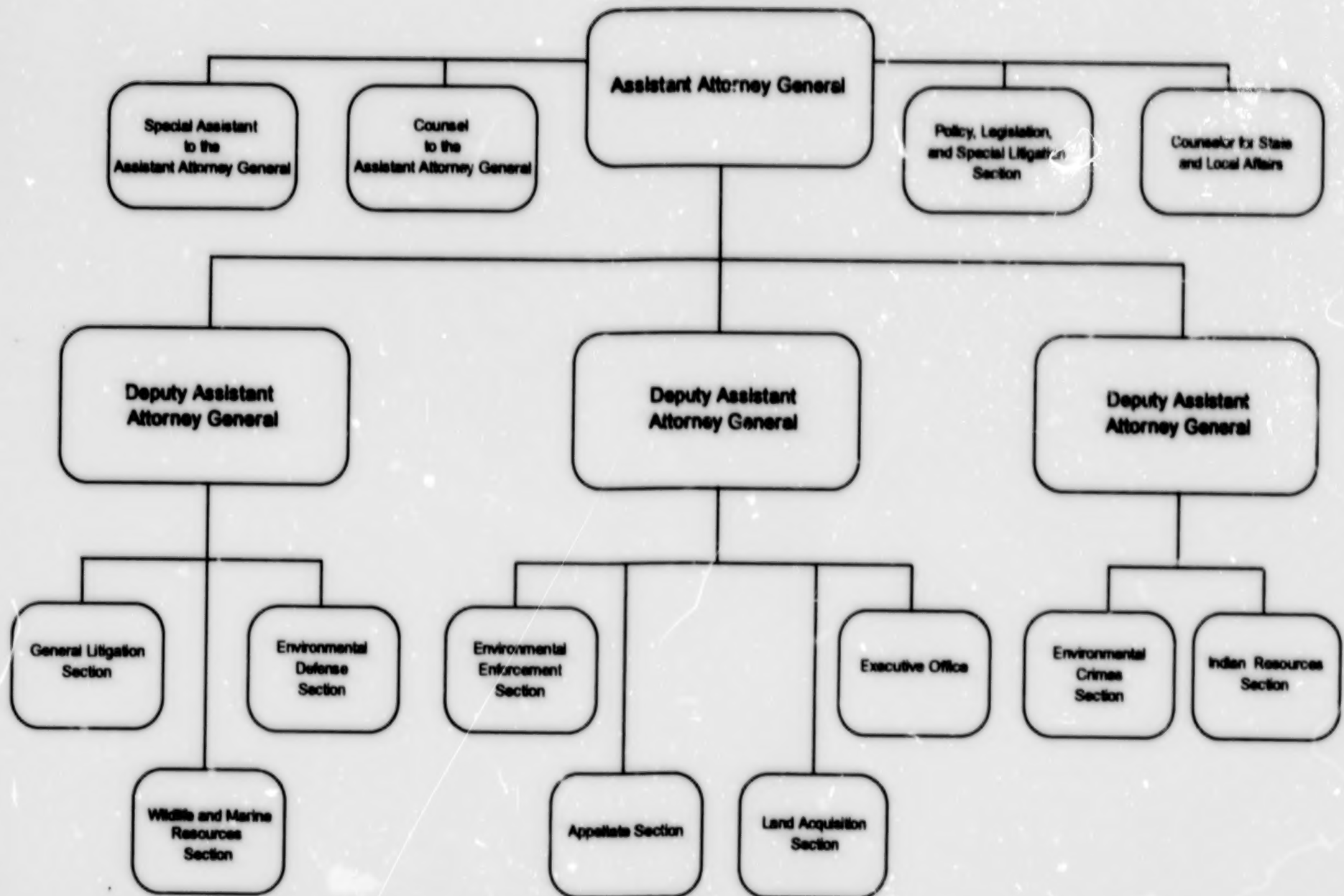
**BLANK
PAGE**

FY90 - FY94
DIVISION PERSONNEL GROWTH

(Total Number of Personnel at the End of Each Fiscal Year)

LITIGATING SECTION	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994
Appellate	29	31	31	32	32
Environmental Crimes	45	46	45	46	44
Environmental Defense	60	69	76	77	80
Environmental Enforcement	206	254	253	259	258
General Litigation	82	90	86	88	88
Indian Resources	13	14	15	16	18
Land Acquisition	28	28	29	26	27
PLSL	17	18	17	16	18
Wildlife and Marine Resources	15	16	17	18	21
EXECUTIVE OFFICE	52	55	63	64	66
TOTAL:	547	621	634	642	652

U.S. DEPARTMENT OF JUSTICE ENVIRONMENT AND NATURAL RESOURCES DIVISION



FY94 SIGNIFICANT ACHIEVEMENTS AND ACCOMPLISHMENTS

WORKLOAD

- ° On September 30, 1994, the Division had 14,015 cases and matters pending, including 802 cases on appeal. There were 3,442 new cases and matters received during the year, and 4,431 cases and matters closed. (The closures are unusually high due to a special project to close out old, inactive cases and matters.)
- ° During FY94, 1,497 Division cases were filed, including 291 civil affirmative cases, 297 condemnation proceedings, and 652 cases against the United States. In addition, 232 defendants were indicted for wildlife and pollution violations.

JUDGMENTS & SETTLEMENTS

The Division had many noteworthy accomplishments in advancing its goal of environmental protection in FY94. The Division achieved a major victory for ecosystem management by successfully defending the Administration's Forest Plan for managing federal old growth forests within the range of the Northern Spotted Owl in the

Pacific Northwest. The Division was also successful in defending a district court challenge under the National Environmental Policy Act (NEPA) to the President's Uruguay Round Agreement promulgated under the auspices of the General Agreement on Tariffs and Trade. We were also victorious in a challenge to EPA's regulations for emissions from boiler and industrial furnaces that burn hazardous wastes for fuel.

In addition, the Division achieved significant accomplishments with respect to the restoration of natural resources. For example, we played a major role in securing an ecosystem restoration project to rehabilitate the Everglades National Park. The Division was also instrumental in obtaining other restoration projects to repair, rehabilitate, construct and enhance the Katy Trail State Park in Missouri; to dredge the sediment in the Sitcum Waterway in Tacoma, Washington; and to restore natural resources affected by an oil spill off the Central Coast of California.

The Division also continued to have success in enforcing and implementing the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). As a result of effective enforcement efforts, comprehensive clean-up and/or remedial work under Superfund is underway at many sites, including the Silresim Superfund Site in Lowell, Massachusetts; the California Gulch Superfund Site in Leadville, Colorado; the Ciba Geigy Superfund Site in Ocean County, New Jersey.

With EPA, the Division also undertook several steps to implement the Superfund program and to make it more efficient. For example, we entered into over 40 *de minimis* settlements with over 4,000 parties. In addition, we worked extensively on Superfund Reauthorization which, while not enacted, paved the way for revisiting key Superfund issues before the 104th Congress this year.

On Indian resources cases, we obtained an injunction to halt the unauthorized disposal of solid waste on an Indian reservation. In a significant victory for the Mille Lacs Band of Chippewa, we ensured that the Band retained off-reservation hunting and fishing rights in a large area in East Central Minnesota.

We also filed a complaint and a consent decree resolving Resource Conservation and Recovery Act (RCRA) violations by the Eastman Kodak Company at its industrial facility in Rochester, New York. Eastman Kodak agreed to pay an \$8 million civil penalty, \$5 million of which will be paid to the United States in cash, with the remaining \$3 million in civil penalties to be offset by a \$12 million investment by Eastman Kodak in Supplemental Environmental Projects which are expected to result in significant hazardous waste reduction at Kodak Park.

As a result of the first criminal prosecution under the Oil Pollution Act, the owner of the Viking Princess pled guilty and agreed to pay a \$500,000 fine for the knowing discharge of oil off the coast of South Florida and for failure to report the discharge. In addition, the Recht Co., Inc., was sentenced to the maximum fine of \$1.5 million and five years' probation in a case that stemmed from the death of two nine-year old boys, in the first case in which a corporation ever pled guilty to a

knowing endangerment count under any environmental statute.

With respect to wildlife cases, we obtained the convictions of several individuals believed to comprise the largest bird smuggling ring in South Texas for their smuggling of parrots and other exotic birds into the United States from Mexico. On land acquisitions, we filed condemnation cases to acquire land for the Big Cypress National Preserve addition and the Everglades National Park expansion in the State of Florida. With the Solicitor General's office, we protected the rights of states to enforce water quality standards in connection with relicensing under the Federal Energy Regulatory Commission.

Also in FY94, the Division devised and launched a program to use ADR as a mechanism for settling cases. We have and will continue to identify cases appropriate for ADR and to train Division attorneys to handle these cases.

Directly below are statistics and information relating to the assessment and collection of penalties and awards secured by the Division as the result of judgments and settlements. A fuller discussion of the achievements summarized above is also provided.

* During FY94, awards in civil affirmative litigation produced \$522.6 million in debts owed the United States. This includes \$239.8 million owed in cost recovery (exclusive of interest); \$152.7 million in oil and gas royalties; \$60.1 million in civil and stipulated penalties, of which \$1.9 million was awarded in citizen enforcement suits; \$52.3 million for future response costs in an EPA case; \$12.8 million in attorneys' fees, court costs, interest, natural resource and other

damages, and reclamation fees; and \$4.9 million in uncollectible penalties in surface mining cases. An additional sum of \$20.5 million in cost recovery, penalties, interest and natural resource damages was awarded to various states; and \$12 million was awarded in natural resource damages and is being held in the court registry for future distribution. This represents a total of \$555.1 million in awards for civil affirmative litigation and natural resource damages.

- ° In addition to awards to governmental entities, during FY94 many defendants in Environmental Enforcement cases agreed to spend, collectively, an additional \$1.2 billion in injunctive relief and clean-up activities. Also, defendants have agreed to perform Supplemental Environmental Projects (SEPs) valued at \$15.3 million, bringing the total value for civil affirmative litigation to over \$1.8 billion.
- ° For criminal cases handled by the Environmental Crimes Section and the Wildlife and Marine Resources Section, a total of \$29.6 million in fines, restitution, and special assessments was rendered in FY94; this represents an increase of nearly \$10 million from FY93. In addition, there were 232 indictments/informations filed, 200 pleas/convictions, and over 152 years of incarceration time imposed (including terms of supervised release).
- ° During FY94, the Land Acquisition Section handled just compensation claims of over \$124.5 million for properties comprised of approximately 7,398.40 acres, which government contract appraisers valued at \$29.3 million. This difference was the critical issue in the Section's lawsuits. Courts awarded judgments in these cases totaling \$46.3 million, representing a

savings to the United States of \$78.2 million of the \$95.2 million at issue.

COLLECTIONS

- ° Debts collected by Division in-house staff, client agencies, and other legal divisions for FY94 totaled \$240,890,204.20.
- ° Debts collected by Division in-house staff for FY94 amounted to \$13,698,778.49. Of that amount, \$8,237,230.04 was collected in Environmental Enforcement Section cost recovery cases and \$1,932,599.49 was collected in citizen enforcement suits.
- ° Agency collections of Environment Division debts for FY94 amounted to \$225,791,425.71. Of that amount, \$152,687,755.80 in oil and gas royalties was collected by the Department of the Interior in two of its cases.

TIMEKEEPING

- ° During FY94, attorneys and paralegals billed 454,522.50 hours prosecuting criminal and civil affirmative cases. The total time billed for all cases and matters during this period was 777,941.25 hours. Thus, affirmative litigation consumed 58 percent of the total time worked by

attorneys and paralegals. By way of comparison, affirmative litigation comprises only 31 percent of the entire caseload of the Division.

- ° During FY94, 553,906.75 hours were billed to cases referred by the Environmental Protection Agency and the Department of the Interior, representing 71 percent of the total case time expended by the attorneys and paralegals in the Division.

CASES AND MATTERS

-- Appeals --

Key Tronic Corp. v. United States (S. Ct.) -- On certiorari from a Ninth Circuit decision overturning an award of attorneys' fees to private litigants under CERCLA, the Court affirmed in large part and reversed and remanded in part. Key Tronic, one of several contributors to a Superfund site, brought this action against the Air Force and other potentially responsible parties (PRPs) to recover response costs and costs of litigation, including attorneys' fees. The court held that the "American Rule" precludes an award of fees for prosecuting the action against the Air Force or for negotiating with EPA the scope of the consent decree with Key Tronic. Consequently, the fees did not constitute a "necessary cost of response" allowed by the statute, since the term "enforcement activities" included in CERCLA Section 101(25) is not sufficiently explicit to encompass a private action under Section 107 to recover response costs or a private party's effort to protect its own interest in proceedings that establish the extent of its liability. The Key Tronic case not

only saves significant amounts for the government in the instant case but also in future cases in which the government is a PRP at a Superfund site.

Public Utility District No. 1 v. Washington Department of Ecology (S. Ct.) -- In this decision, the Court upheld the imposition of minimum flow requirements on federally licensed dams. It found that Section 401(d) of the Clean Water Act allows states to impose conditions on state-issued water quality certificates as needed to enforce designated uses and numerical water quality standards. This decision strengthens a state's ability to protect the quality of its waters. The United States filed a brief as amicus curiae in support of the State of Washington.

United States v. South Florida Water Management District (11th Cir.) -- In this case, the United States Court of Appeals rejected an appeal by the sugar industry challenging a settlement agreement entered into between the United States and the State of Florida, and reversed the District Court's holding that the United States must prepare an environmental impact statement as part of the settlement process. This decision is a major step in the process of preserving, and repairing damage to, the Everglades National Park.

-- Civil Affirmative Litigation --

United States v. Wayne County (E.D. MI) -- On May 12, 1994, the United States District Court for the Eastern District of Michigan entered a consent decree in this Clean Water Act case involving the illegal discharge of untreated wastewater into the Detroit River, which empties into Lake Erie. Under the terms of the settlement, the operator of a Detroit area wastewater treatment plant and the

communities it serves have agreed to spend an estimated \$230 million to stop the illegal discharge. Wayne County, which treats wastewater for approximately 300,000 residents and commercial establishments outside of Detroit, will improve its Wyandotte wastewater plant by constructing an underground tunnel, above-ground equalization basins and additional treatment facilities to comply with federal requirements for treatment of wastewater. The defendants also will pay a \$413,000 civil penalty to the United States and the State of Michigan which joined the lawsuit filed in 1987. The close cooperation of EPA and the Michigan Department of Natural Resources on this case and the efforts of the defendants to reach a consensus among themselves was critical in developing a settlement acceptable to all parties.

United States v. Rohm and Haas (D. N.J.) -- A consent decree was entered on April 15, 1994, by the United States District Court for the District of New Jersey, partially resolving the United States' and the State of New Jersey's claims under Section 107 of CERCLA against the three primary defendants involved with the Lipari Landfill Superfund Site located in Mantua, New Jersey. The Lipari Superfund Site has received a considerable amount of press and congressional attention and is the number one site on the EPA National Priorities List. In accordance with the terms of the settlement, the three primary defendants will pay \$52.5 million of the \$60.8 million estimated up to this stage of the litigation.

United States v. General Chemical Corporation (D. MA) -- On October 12, 1993, the United States District Court for the District of Massachusetts entered a consent decree in this case. The suit was brought pursuant to Sections 106 and 107 of CERCLA. In one of the largest Superfund

settlements in the New England Region, 223 parties agreed to pay \$40.9 million to the United States and the Commonwealth of Massachusetts for the cost of cleaning up the Silresim Superfund Site in Lowell, Massachusetts. The settlement was reached among the United States, the Commonwealth of Massachusetts, and the parties that generated or transported hazardous material to the site.

United States v. Port of Tacoma, Washington (W.D. WA) -- A consent decree was entered by the United States District Court for the Western District of Washington on October 8, 1993, resolving the Port of Tacoma's liability under CERCLA for the Sitcum Waterway of Commencement Bay in Tacoma. This decree requires the Port to spend approximately \$37 million, including \$12 million to restore the natural resources. The consent decree also requires implementation of a \$22 million sediment dredging and restoration project in the Waterway. In addition to the compensation for natural resource damages, the Port is making two parcels of property in the Commencement Bay area available to the Trustees to create new areas for wildlife habitat.

United States v. Valentine (D. WY) -- On June 20, 1994, a consent decree was entered by the United States District Court for the District of Wyoming, resolving the United States' claims against five oil company defendants for injunctive relief and civil penalties under Section 7003 of RCRA with regard to the Powder River Crude Processors Site, an abandoned oil reclaiming facility near Casper, Wyoming. The site contains open and unlined sludge pits, leaking tanks, oily seeps and spills, and contaminated soil. This action was filed on February 19, 1993, in the District Court, to abate an imminent and substantial endangerment and to enforce administrative orders issued by EPA. The decree will achieve a comprehensive cleanup of the

site estimated to cost between \$4.4 million and \$8.9 million. In addition, the settling defendants will jointly pay a civil penalty of \$300,000 for their failure to comply with administrative orders for cleanup of the site.

The settlement is significant in several respects. This case represents the first judicial case brought under Section 7003 of RCRA to address crude oil pollution on land, and the first case, administrative or judicial, brought under Section 7003 to address oil pollution associated with oil production fields. With the exception of crude oil tank bottoms shipped to the site from the Texaco Refinery, all of the wastes sent by the settling defendants were tank bottoms or other wastes associated with oil production fields. Thus, these wastes are exempt from regulation under Subtitle C of RCRA as "exploration and production" wastes pursuant to 40 C.F.R. § 261.4 (b)(5). Further, the penalty recovery to enforce administrative orders issued under Section 7003 of RCRA is precedential. Finally, it is a consent decree negotiated solely under Section 7003 of RCRA for comprehensive injunctive relief.

United States v. Ciba-Geigy Chemical Corporation (D. NJ) -- On April 21, 1994, a consent decree was entered by the United States District Court for the District of New Jersey, resolving an action brought under Sections 106 and 107 of CERCLA for implementation of remedial action and recovery of response costs in connection with the Ciba-Geigy Superfund Site in Toms River, Ocean County, New Jersey. The settlement requires Ciba-Geigy Corporation to undertake certain remedial work relating to contaminated groundwater at the site, as set forth in EPA's April 1989 Record of Decision for the site. The settlement requires Ciba-Geigy Corporation to pay \$8.4 million of EPA's past

response costs and all future response costs incurred by the United States in connection with the performance of this remedial work.

United States v. Marine Shale Processors (W.D. LA) -- In a partial judgment, the United States District Court for the Western District of Louisiana awarded \$8 million in penalties on several of the United States' claims, one of the largest court-awarded civil assessments ever received by the Environmental Enforcement Section. The order, issued on August 30, 1994, held that Marine Shale Processors, Inc. (MSP) committed "serious" violations of the Clean Air Act and assessed a penalty of \$1 million for MSP's failure to obtain a PSD permit and \$2.5 million for its failure to obtain a permit for miscellaneous minor emission sources. The Court also held that MSP showed "callous disregard for the regulatory scheme and the purpose of the Clean Water Act" and assessed a penalty of \$3 million for numerous discharge violations. Under RCRA, the Court assessed a penalty for land disposal violations of \$500,000 and a penalty of \$1 million for storing wastes without a permit. The Clean Air Act fine and the RCRA fine will be divided equally between the United States and the State of Louisiana and the remainder will be paid to the United States. In addition to imposing penalties, the Court permanently barred MSP from discharging unauthorized air pollutants from various tanks and equipment, from using any sources of air emissions not authorized by the company's Clean Air Act permit, and from discharging unauthorized pollutants into waters adjacent to the company's facilities. The Court also set out interim emission limitations pending appeal of the permanent injunction and required MSP to hire an independent environmental monitor to assess the company's future compliance with the Court's order. Also, to preserve MSP's assets, the Court prohibited MSP

from paying dividends or other similar payments to John Kent, Sr., or John Kent, Jr., MSP's owners. The Court also fined the Southern Wood Piedmont Company \$25,000 under RCRA for shipping its wastes to MSP. The remaining state and federal claims will be tried in March 1995, including the allegations that MSP is operating as a sham recycler.

United States v. Apache Energy, et al. (California Gulch) (D. CO) -- On August 26, 1994, the District Court approved and entered a consent decree with ASARCO, Newmont Mining Company/Resurrection Mining Company, the Res-ASARCO Joint Venture, and the United States and the State of Colorado as PRPs at the California Gulch Superfund Site in Leadville, Colorado. The decree provides for the reimbursement of the response costs incurred by the United States between February 1991 and July 1993, and the response costs incurred by the State of Colorado between February 1992 and July 1993, from Res-ASARCO in the combined amount of \$7.6 million (the claims against the settling defendants for the governments' response costs prior to these time periods having been previously addressed in a prior partial consent decree), and the reimbursement of the governments' future response costs incurred at the site after July 1993 from ASARCO and Resurrection in proportion to their assigned "work areas" under the decree. The decree establishes a process by which ASARCO and Resurrection will perform and pay for the cleanup of assigned "work areas" within the site which are defined in the decree. In exchange for their commitments under the decree, the settling defendants are released from any alleged liability at those portions of the site outside their respective "work areas," subject to specific exclusions in the decree which are reserved for resolution at a later date.

United States v. Peter Gull and NL Industries (C.D. CA) -- On April 12, 1994, the United States District Court for the Central District of California entered judgment in this CERCLA cost recovery and punitive damages case, awarding the United States \$3.7 million in punitive damages and \$2.7 million in costs against NL Industries. NL failed to comply with an administrative order issued under Section 106 of CERCLA that required cleanup of a lead battery recycling site to which it had sent batteries. The judgment, issued after a lengthy trial in this matter, represents the largest punitive damage award issued by a court under Section 107(b)(3) of CERCLA against a single defendant.

United States v. Apex Oil Company (N.D. CA) -- On August 31, 1994, the United States District Court for the Northern District of California entered a consent decree in this action brought jointly by the United States and the State of California in response to a February 1986 oil spill off the Central California coast. The spill is alleged to have killed 10,000 or more seabirds. The action was filed pursuant to the Clean Water Act, the Marine Protection Research and Sanctuaries Act (MPRSA), and various state statutes. The relief sought included: (1) civil penalties, (2) recovery of the costs of responding to the spill, (3) the costs of restoring and replacing natural resources injured by the spill, and (4) the costs of assessing the injury and damages from the spill. The consent decree provides for recovery of the vast majority of the assessment and cleanup costs incurred by the State and federal agencies in connection with this action, a payment to a NOAA-administered fund used for future assessment work at other sites, and civil penalties. Moreover, the decree provides for significant restoration of natural resources affected by the oil spill. The decree reflects the allocation of the settlement proceeds as agreed to by the

involved agencies. The majority of the funds, approximately \$5.4 million, will be devoted to two natural resources restoration projects: a 10-year Common Murre recolonization effort on four Central California islands or seastacks and acquisition of old growth Redwood/Douglas Fir Forest to provide habitat for the only known land-breeding seabird, the threatened Marbled Murrelet.

United States v. E.I. du Pont de Nemours, Inc., et al. (S.D. OH) -- On December 14, 1993, a consent decree was entered by the United States District Court for the Southern District of Ohio, resolving an action brought pursuant to Sections 107 and 113 of CERCLA. The consent decree resolves the United States' claims for response costs incurred in connection with the Bowers' Landfill Site in Pickaway County, Ohio. Under the consent decree, the defendants and third-party defendants will pay all of the United States' response costs up to a total of \$5.2 million incurred through the certification of completion of the remedial action (RA) construction at the site. To the extent such costs exceed \$5.2 million, which is unlikely, the defendants will pay 55 percent of the additional pre-RA construction costs incurred by the United States. The defendants also will complete the final portion of the RA work (one year of groundwater monitoring at the site) and will pay EPA's oversight costs for the first-year groundwater monitoring and for long-term operation and maintenance, the latter of which will be performed by the defendants under a separate agreement with the State of Ohio. The defendants and third-party defendants will receive a covenant-not-to-sue under the consent decree only for the costs incurred by the United States through completion of the site remedy.

United States v. Ekco Housewares, Inc. (N.D. OH) -- On January 28, 1994, the United States District

Court for the Northern District of Ohio ordered a post-trial judgment in the amount of \$4.6 million against Ekco Housewares. This case was brought pursuant to Section 3008 of RCRA for the defendant's violations of a 1987 Partial Consent Agreement and Order and for the defendant's simultaneous violation of the underlying RCRA regulations requiring financial responsibility. (In a September 23, 1993, decision the Court rejected the D.C. Circuit's decision on the mixture rule in Shell Oil Co. v. U.S. E.P.A. and held that the discharge of groundwater contaminated with listed solvents into a surface impoundment after using the material as non-contact cooling water constituted storage or disposal of hazardous waste.) Further, the court granted in part our motion for summary judgment on liability by holding that defendant's failure to certify financial assurance and liability coverage at the time that it submitted a closure plan violated EPA's administrative consent order with the defendant. At the trial, we presented further evidence of the defendant's liability for violating the regulatory requirement of maintaining financial assurances for post-closure care and liability coverage. In its January 28, 1994, Findings of Fact and Conclusions of Law, the Court determined that \$1,000 per day is an appropriate penalty amount based on consideration of the defendant's failure to exercise good faith, the economic benefit gained, and the length of the violation. The Court recognized that deterrence is a major purpose of a civil penalty and found that substantial civil penalties are appropriate when a defendant has violated prior consensual agreements with environmental agencies. The Court found that it may consider the potential for harm as well as actual harm, and that the defendant should not be credited with the "sheer good luck" that no claims had been made in the face of documented contamination. This is one of the largest RCRA

penalty awards in the history of the statute. The case is currently on appeal to the Sixth Circuit.

United States v. Merritt's Mobile Manor (D. WY) -- On February 15, 1994, the Court granted the United States' request for a preliminary injunction against the defendants, Roy L. Merritt d/b/a Merritt's Mobile Manor, Frances G. Merritt, George Harold Parker, and Linda J. Parker. The defendants owned and operated Merritt's Mobile Manor (the "Manor"), a trailer park on the outskirts of Cheyenne, Wyoming. In that capacity, the defendants supplied residents of the Manor with water and sanitary sewer services. In operating its system, the defendants took untreated water from at least five groundwater wells and piped it directly into the homes of those residing at the Manor. The defendants had supplied untreated water to between approximately 75 to 100 year-round users. The water that the defendants supplied to the residents of Merritt's Mobile Manor failed to meet minimum legal standards for coliform and nitrate. In addition, E. coli and Salmonella bacteria were recently detected in the defendants' water system. The defendants also failed to fully comply with two EPA administrative orders issued in 1993.

The preliminary injunction holds that the system is a "public water system" even though no one well may serve 15 taps or 25 individuals (collectively the wells serve at least 75 homes), and the Court found the risk to the aquifer posed by improper sewage disposal was sufficient to act, thereby bringing the sewage system within the Court's jurisdiction. Finally, the Judge indicated that any further disobedience by the defendants of any part of any order will result in the issuance of arrest warrants.

-- Environmental Defense Litigation --

Mobil Oil v. EPA (D.C. Cir.) -- Over the past year, the Division has successfully defended a number of important EPA regulatory programs. In Mobil Oil, numerous industry petitioners sought to challenge EPA's "mixture and derived-from rules," which form part of the definition of what constitutes "hazardous waste" subject to regulatory controls under RCRA. Those rules had been repromulgated in interim form after they were originally vacated by the D.C. Circuit in Shell Oil Co. v. EPA, 950 F.2d 741. On September 23, 1994, the D.C. Circuit issued a decision declining to consider petitioners' challenges, accepting our argument that language in an appropriations bill prevented the interim rules from being "terminated or withdrawn" until revised by the Agency, and that therefore the Court was precluded from vacating the rules.

Horsehead Resource Development Co. v. Browner (D.C. Cir.) -- Division attorneys also successfully defended EPA's scheme for regulating emissions from boilers and industrial furnaces that burn hazardous wastes under RCRA. In Horsehead, the D.C. Circuit, in February 1994, rejected a number of challenges by industry and environmental groups to EPA's boiler and industrial furnace rule. The Court ruled that EPA reasonably interpreted RCRA and accommodated competing statutory commands when it devised the test for determining when residues from furnaces processing hazardous waste with non-waste would remain subject to a statutory exemption from regulation. The Court also rejected an industry argument that the rule exceeds EPA's RCRA authority. Finally, the Court remanded one aspect of the rule for lack of adequate notice and opportunity for comment. However, rather than allow the emissions subject to this portion of the rule to remain unregulated in the interim, the Court

adopted our argument that those emissions must comply with alternative standards provided in the regulation.

-- Criminal Litigation --

United States v. Craven Laboratories, et al. (W.D. TX) -- On February 25, 1994, sentencing took place in Austin, Texas, which included a five-year term of imprisonment for company president Don Allen Craven and a \$15.4 million fine against Craven Laboratories. Don Craven was also assessed a \$50,000 fine, three years of supervised release following his jail term, and he and his company were ordered to pay \$3.7 million each in restitution to defrauded pesticide manufacturers and EPA. Craven Labs and Don Craven pled guilty on December 2, 1993, to one count of conspiracy to commit mail fraud and one count of making false statements to EPA relating to pesticide residue tests. Fourteen Craven employee co-defendants were also sentenced to varying fines and much shorter terms and types of confinement for guilty pleas to charges ranging from felony false statements to FIFRA misdemeanors. The 20-count indictment filed on September 29, 1992, stemmed from falsification of pesticide residue test results used by EPA for setting pesticide tolerances in foods and registering pesticides.

United States v. Ore-Ida Foods (D. OR) -- On June 29, 1994 Ore-Ida Foods, Inc., entered a plea of guilty to five misdemeanor Clean Water Act counts in violation of its NPDES permit -- one count of negligent false reports, one count of negligent discharges, one count of negligent failure to comply with testing requirements and one count of negligent creation of sludge deposits. Pursuant to the terms of the plea agreement, Ore-Ida was sentenced to a

\$1 million fine (\$250,000 to be paid immediately and \$750,000 suspended) and placed on three years of probation. Also, Ore-Ida agreed to update its current wastewater treatment facility and to complete the reconstruction of its water recycling and treatment system during the period of probation. Ore-Ida also agreed to construct an additional wastewater recycling system. For every one dollar expended on improving and constructing the water treatment system, the suspended portion of the fine will be reduced by one dollar. The offenses arose from Ore-Ida's failure to keep pace with its increased production, and the resultant wastewater that was generated. Ore-Ida also failed to improve its wastewater treatment facility to better handle the increased flow of wastewater. Between 1988-1990, Ore-Ida exceeded the discharge limits of its NPDES permit at its Ontario, Oregon, plant. The illegal discharges went into the Snake River.

United States v. Recticel (E.D. TN) -- On July 12, 1994, guilty pleas were entered by the Recticel Foam Corporation to a federal RCRA felony for failing to maintain records and for criminal violations of the state hazardous waste statute. Pursuant to the plea agreement, the company was sentenced to penalties totaling \$750,000. Recticel has spent approximately \$8.25 million bringing its company into compliance with environmental regulations, including, but not limited to, site assessments, cleanups, and implementation of groundwater monitoring devices. At the time of the acceptance of the plea by the Court, charges were dismissed against remaining individual defendants.

United States v. Norfolk and Western Railway Co., United States v. Gary Mettler; United States v. Don Drake (E.D. MO) -- On February 23, 1994, the Norfolk and Western Railway Company (N&W), pursuant to a plea agreement, entered a guilty plea

to one felony RCRA count of disposal of hazardous waste without a permit and was sentenced to the maximum fine of \$500,000, with \$300,000 suspended. The suspension will be made permanent upon determination that all environmental laws and standards have been complied with in relation to the disposal site. Additionally, the company must make restitution in the amount of \$500,000 to the United States for costs and damages; \$1 million to the State of Missouri for the State Parks Earnings Fund for repair, rehabilitation, construction and expansion of the Katy Trail State Park; and pursuant to a separately executed agreement, must provide and deliver equipment at costs not to exceed \$1.7 million (covering costs of equipment and delivery) to the State of Missouri, Department of Natural Resources, for identification, investigation and prosecution of environmental offenses. Norfolk and Western further agreed to formulate, develop and implement an organization-wide Environmental Awareness Program. A supervisor in the Buildings and Bridges Section of the Norfolk and Western Railway Company entered a similar guilty plea; and another supervisor in the Buildings and Bridges Section pled guilty to a felony CERCLA count for failure to notify the appropriate United States Government agency of the release of a reportable quantity of a hazardous substance. The charges against all three defendants stem from the illegal disposal of over 300 containers of ignitable hazardous wastes on or about April 19, 1989, on the N&W premises in Moberly, Missouri. The containers were buried in a field.

United States v. Agri-Empire, Inc., et al. (C.D. CA) -- On March 4, 1994, Agri-Empire pled guilty to an information which charged one count under RCRA for unlawful storage of hazardous waste. The company was sentenced in accordance with a plea agreement to a \$500,000 fine and a \$200 special

assessment. The Federal Sentencing Guidelines were not applicable because the offenses occurred before the guidelines were promulgated. Charges against the president of the company were dismissed at the time of payment of the fine. Agri-Empire is the nation's second largest potato grower, engaged in large-scale agricultural operations in California, Arizona, Idaho and other states and also operates cattle ranching and feedlots in Riverside County, California. On June 11, 1993, a 33-count indictment charged Agri-Empire and its president with mail fraud, conspiracy to violate RCRA and substantive violations under RCRA including illegal transportation, disposal and storage of acutely hazardous wastes. The indictment also charged that the defendants knowingly used nondisinfected wastewater to irrigate potatoes grown for human consumption. Nondisinfected wastewater is distributed to farmers by the Eastern District Municipal Water District (EDMWD) for use on crops to be grown merely for seed or fodder and is strictly prohibited for use on crops for human consumption. Millions of potatoes irrigated with the nondisinfected wastewater were distributed and sold throughout the United States to supermarkets and through brokers to fast food restaurants. From these violations emanated charges of fraud against the EDMWD for hundreds of thousands of dollars, which it would have made from the sale of domestic wastewater that Agri-Empire should have used on its crops for human consumption. Further, the defendants were charged with transporting and disposing of hundreds of pesticide-contaminated containers without a RCRA permit. The various types of containers were disposed of by clandestine burial and discarding in trenches along public roads.

United States v. Palm Beach Cruises, S.A. (S.D. FL) -- On June 3, 1994, Palm Beach Cruises, S.A.

(PBCSA) entered a guilty plea to two felony counts under the Clean Water Act, as amended by the Oil Pollution Act of 1990. In a plea agreement, PBCSA admitted to the violations (the deliberate discharge of a harmful quantity of oil and the failure to report the discharge to the cognizant authorities) and agreed to pay a criminal fine of \$500,000. The company also agreed to develop and implement an environmental compliance program to be supervised by a court-approved and independent environmental consultant. On August 30, 1994, pursuant to the plea agreement, PBCSA was sentenced to a term of organizational probation with two conditions: (1) a fine of \$500,000 (to be paid in the amount of \$100,000 per year with a \$500,000 performance bond), and (2) the establishment and maintenance of an effective environmental compliance program.

The M/V Viking Princess, a Panamanian flag passenger cruise ship operating out of the Port of Palm Beach, Florida, and owned by PBCSA, was caught in the act of deliberately discharging waste oil from its bilges 3.5 miles from the coast of Florida on February 21, 1993. The violation, which resulted in a 2.5-mile oil slick, was observed and recorded on video tape during "Operation Overboard," a multi-agency proactive surveillance designed to detect, document and prosecute routine and deliberate discharges of waste oil by commercial vessels off the coast of South Florida. During Operation Overboard, FBI and EPA special agents travelled aboard Coast Guard vessels and boarded and investigated ships suspected of violating U.S. environmental laws. A Coast Guard Falcon jet equipped with special sensors including Side Looking Airborne Radar (SLAR), capable of long-range detection of the suppression of ocean waves caused by oil pollution, was also utilized and first spotted the Viking Princess in the act of discharging its bilges. This criminal prosecution is

the first under the Oil Pollution Act of 1990, which was enacted in the wake of the 1989 Exxon Valdez oil spill. The Division's Environmental Crimes Section and the United States Attorney's Office for the Southern District of Florida worked jointly in planning the operation and conducting the investigation. FBI and EPA worked jointly on the investigation. This prosecution received significant national media attention.

United States v. Seaward International, Inc., and Robert Lawrence Beach (W.D. VA) -- On June 21, pursuant to plea agreements filed on May 2, 1994, in Charlottesville, Virginia, sentences were imposed upon Seaward International, Inc., a manufacturer of marine equipment, and a company vice president in the first RCRA prosecution in the Western District of Virginia. As to one count of unlawful treatment and one count of disposal of hazardous waste at an unpermitted facility, Seaward was sentenced to a \$300,000 fine, two years of probation, and ordered to publish apologies within 30 days of sentencing in the Wall Street Journal and the local press for its conduct. The company also entered into a consent agreement with the State of Virginia to do site clean-up and implement an environmental compliance program at its plant. As to one count of illegal disposal of hazardous waste, the vice president of Seaward was sentenced to six months of home detention, one year of probation and a \$5,000 fine.

The Seaward company had paid a Clarke County laborer to dispose of several hundred 55-gallon drums of waste on his property, representing to him that the waste was not hazardous when, in fact, the drums contained ignitable and chemical solvent wastes including toluene and methylene chloride. Additionally, for several months in 1988, Seaward unlawfully treated hazardous waste at its

Clearbrook facility by pouring liquid chemical wastes into large plywood trays and allowing the solvent contents of the waste to evaporate into the atmosphere. The vice president, a chemical engineer, functioned as Seward's chief environmental compliance officer and approved numerous payments for disposal shipments between March 1986 and April 1989. The site of disposal has been cleaned up, and Seaward has begun marketing a new product made of recycled plastic.

United States v. Excel Electronics, Inc., et al. (W.D. NC) -- On October 8, 1993, in Charlotte, North Carolina, substantial sentences were imposed on Excel Electronics, its two top corporate officers, and a shareholder/employee based on their guilty pleas to conspiracy to violate the Clean Water Act. The District Court sentenced the corporation to a \$280,000 fine, offset by \$68,000 for the closely-held corporation provision of the Sentencing Guidelines, as well as an offset of \$140,000 if Excel purchases pollution control equipment in that amount. Also, based on a recommendation by the U.S. Probation Officer, the Court required Excel to pay the local utility up to \$10,000 for the costs of the investigation, and to develop a compliance program within 24 months in conjunction with the local utility. The vice president of Excel, who was directly responsible for Excel's wastewater treatment, was sentenced to 18 months in prison and a \$40,000 fine. Excel's president was sentenced to 12 months in prison and a \$30,000 fine. An employee who previously held shares in Excel and who worked in the waste treatment area, was given a ten-month split sentence (five months in prison followed by five months of home confinement) and a \$3,000 fine. A fourth defendant, who had only recently started working at Excel and pled guilty to misprision of a felony was given a probationary sentence and a \$5,000 fine. The

defendants admitted by entry of their guilty pleas on August 5, 1993, that they knowingly conspired to discharge wastewater in excess of its permit limits, bypass necessary waste pretreatment, and tamper with the monitoring or sampling devices. In the process of manufacturing electronic circuit boards, Excel generated highly acidic wastes, as well as toxic heavy metal wastes such as copper and lead. Aside from having inadequate pretreatment equipment for the removal of heavy metals, Excel knowingly bypassed the pH neutralization tanks, and routinely discharged these wastes in concentrations which greatly exceeded its pretreatment permit limits. In addition, Excel knowingly tampered with the monitoring or sampling devices in order to avoid detection by the regulatory authority.

United States v. Dean Foods and Winfred Smith (W.D. KY) -- On May 19, 1994, as a result of a Clean Water Act misdemeanor conviction, Dean Foods was sentenced to a \$50,000 fine. On December 30, 1993, following a one-day jury trial, Dean Foods was found guilty of the negligent discharge of 15 pounds of ammonia into Bear Grass Creek which resulted in the killing of 15,000 fish, extending three miles down river from the discharge point. The plant engineer was acquitted.

-- Eminent Domain --

United States v. 1,134.35 Acres, County of Imperial, California (E.D. CA) -- This was a fee taking of 1,134.35 acres of land comprising approximately one-half of the EL Centro Naval Air Station, California. At the time of taking, the land in suit had been under lease to the United States since December 1941 from the owner, Imperial County. In 1941, the land was vacant, but since then the Department of the Navy has built runways,

hangars and other buildings on the land taken. The landowner contended that for just compensation the land must be valued with all government improvements in place on the date of taking, and on that basis valued the property at \$33.4 million. The United States contended that the property must be valued as though the building and improvements did not exist on the date of taking, and on that basis valued the property at \$1.6 million. The United States filed a motion for partial summary judgment on this issue, which reduced the owner's claim by about \$28 million. At compensation trial, the United States presented valuation testimony of \$1.7 million, whereas the landowner's valuation was \$5.3 million. The Court awarded just compensation of \$2.2 million. (This case was handled jointly with the United States Attorney's Office.)

Washington Metropolitan Area Transit Authority v. 7.65 Acres in Montgomery Co., Maryland, and Wheaton Plaza Regional Shopping Center, et al. (D. MD) -- This case involved the taking of two acres of a shopping center's parking lot for the site of a 946-car multi-level parking garage for use in connection with a nearby METRO subway station. This case (tried to a commission) was unusual because the government asserted and presented evidence that special benefits from the METRO project totally offset any compensation otherwise due, although our expert estimated the value of the taking, absent special benefits, at \$884,000. The owner disputed that the remainder property was specially benefitted and presented evidence that it was due compensation of \$11.5 million. The commission did not find any special benefits, but it returned an award far more favorable to the government than to the owner: \$2.7 million.

United States v. 819.98 Acres of Land, Stichting Mayflower, and 368.40 Acres of Land, Olson

Neihart (D. UT) -- These consolidated cases involved a fee taking of 1,188.38 acres on behalf of the Bureau of Reclamation for the Jordanelle Dam and Reservoir, Central Utah Project, and were tried to a jury. The property owners in these cases claimed the property's highest and best use was for a ski resort/hotel/condo development in conjunction with the nearby Deer Valley Ski Resort (with which they had a ski lift agreement), which is one of the top ski resorts in the country. The owners presented expert valuation testimony of \$9.8 million and \$24 million. The government disputed the owners' highest and best use contention and presented expert valuation testimony of \$2.59 million. The jury returned a verdict of \$7.41 million.

-- General Litigation --

Seattle Audubon Society v. Lyons and Consolidated Cases (W.D. WA) -- On December 21, 1994, the Court granted the summary judgment motions of federal defendants, the Secretaries of the Interior and Agriculture, the Bureau of Land Management and the Forest Service, upholding the Administration's strategy for the management of the old-growth forests of the Pacific Northwest, against challenges by environmental groups and the timber industry. The Court's order culminated an effort begun in early 1993 to fashion an interagency strategy using the principles of ecosystem management to resolve the long-standing controversy surrounding the management of the spotted owl forests. The Division utilized declaratory judgment procedures to insure that all parties with grievances were before the Court. The Court's order vindicated the administrative and litigation procedures employed, as well as the substantive provisions of the strategy.

United States v. South Florida Water Management District (S.D. FL) -- In 1988, the United States sued Florida state and regional defendants to enforce state water quality laws protecting federal lands in the Everglades -- including Everglades National Park, the largest, most important subtropical wilderness in North America -- from loss of native ecosystem caused by nutrient-polluted agricultural runoff. In 1991, after two-and-one-half years of acrimonious and costly litigation, the Federal Government and Florida parties reached a settlement requiring implementation of an ecosystem restoration effort of unprecedented magnitude through the state administrative process. The Federal Government has been engaged in that process since the District Court entered its consent decree in 1992, in an intensive litigation and mediation effort with farmers and others to finalize the terms of the program and expedite the ten-year implementation schedule. In April 1994, on the eve of trial in the Florida Division of Administrative Hearings, the Florida legislature enacted the Everglades Forever Act, codifying a fortified version of the restoration program provided under the settlement and specifying financial and other contributions by all responsible parties. Federal litigators now are returning to federal court to address the status of the consent decree and the diverse views of interested parties on the future of the restoration program.

Chevron U.S.A., Inc. v. Babbitt (W.D. LA) -- This case involved disputed oil and gas royalties owed to the United States by Chevron. Chevron challenged administrative orders, issued by the Minerals Management Service (MMS), Department of the Interior, to pay additional royalties for oil and gas productions from 1978 to 1988 on the grounds that application of the statute of limitations would ultimately prevent the government from recovering

royalties due for the period more than six years prior to the date of each of the orders. Chevron contended that the challenged MMS orders are "actions for money damages" within the meaning of 28 U.S.C. 2415, and that the statute of limitations would preclude recovering royalties for oil and gas. In March 1994, however, Chevron entered into an agreement to resolve the royalty dispute and paid the Department of the Interior \$150 million. This is one of the most monetarily significant cases handled this year.

-- Indian Matters --

Confederated Tribes of Colville Reservation, et al. v. United States (Ct. Fed. Clms.) -- On October 8, 1994, Congress passed a Bill resolving a long-standing dispute of the Confederated Tribes of the Colville Reservation regarding the construction of the Grand Coulee Dam on the Columbia River. This landmark legislation approves a settlement supported by the plaintiff Tribe and three federal agencies - the Department of the Interior, the Department of Energy including the Bonneville Power Administration, and the Department of Justice.

The settlement resolves a 40-year-old lawsuit brought by the Tribe against the United States seeking a share of the revenues from the Grand Coulee Dam in the State of Washington. All parties view both the settlement process and the agreement itself as a significant accomplishment which resolves not only the past wrong but also creates a framework for future cooperation between the Tribe and the Federal Government. The settlement agreement compensates the Tribe for lost power revenues from 1941 to the present in the amount of \$53 million, and provides for annual payments to

the Tribe beginning in 1996 in the amount of \$15.2 million. In the event of litigation, the United States' exposure would have exceeded \$100 million.

In 1951 the Tribe brought the action under the Indian Claims Commission Act of 1946 alleging that the United States took reservation lands for use in conjunction with the construction of Grand Coulee Dam. The Tribe contended that the United States promised to compensate the Tribe in connection with the use of reservation lands in the production of electric power at the dam. In 1992, the Court of Appeals for the Federal Circuit held that the navigational servitude was indeed a defense to all of the Tribe's timely filed legal claims. In addition to resting their cause of action on traditional theories of legal liability, however, the Tribe had asserted a right to recover under the "fair and honorable dealings" clause of the Indian Claims Commission Act. Under that clause, the United States may be held liable to an Indian tribe if the United States failed to deal fairly and honorably with the tribe; for example, if the tribe is damaged by the United States' failure to honor a commitment made to the tribe. The Circuit Court held that the navigational servitude did not bar that claim, and remanded the claim for further consideration. After the Court's decision, the parties began a major effort to settle the case which led to the innovative package approved by the Congress.

Menominee Tribe of Indians v. United States (Ct. Fed. Clms.) -- This is a congressional reference action filed in 1993 by the Menominee Tribe of Indians, pursuant to 28 U.S.C. 2509. The action arises out of the allegedly wrongful termination of that Tribe as a result of the mandate of the Menominee Termination Act of 1954 which ended federal supervision and control of the Tribe in 1961. The case involves many separate causes of

action, among them: breach of trust (social disruption), forest mismanagement, mill mismanagement, loss of tax exemption, loss of hospital, loss of highway rights-of-way, mismanagement of tribal funds, loss of government programs, imposition of bond debt, and loss of tribal property to Menominee County.

Similar causes of action were filed by the Tribe in 1967 in the U. S. Court of Claims. Some of those actions were tried with judgments being entered by the trial court in the total amount of \$42 million. As a result of several appeals by the government, the judgments were vacated, and eventually all of the actions were dismissed, except for a settlement of one of the actions for \$15,000. The total damages claimed by the Tribe in these former actions were in excess of \$100 million, and litigation time was from 1967 to 1984.

United States and Mille Lacs Band of Chippewa Indians v. State of Minnesota (D. MN) -- In this action, the Federal District Court ruled that the Indians of the Mille Lacs Band of Chippewa Indians have a treaty right to hunt and fish on publicly-owned lands and waters located within the boundaries of land ceded by Indians to the United States pursuant to an 1837 treaty between the United States and a number of bands of Ojibwe Indians. The 1837 treaty had reserved to the Indians the "privilege of hunting, fishing, and gathering . . . during the pleasure of the President" on the lands they had ceded. The State contended that the privilege had been revoked by an 1850 Presidential Order and an 1855 treaty with the United States. The Court ruled that the 1837 rights had not been revoked and continue to this day. The Court will later decide how to allocate the Indian and non-Indian harvest and the permissible scope of state regulation of the Indians' rights, although

holding that any such regulation, to be valid, must be necessary for conservation or health purposes.

In re Gila River Adjudication (Superior Court for Maricopa County, Arizona) -- After a 14-day trial, the state superior court ruled that a broad class of groundwater users were taking water from the sub-flow of the Gila River and were thus required to prove and prioritize their right to use water. Prior to this ruling, the groundwater users had been exempted from the adjudication and thus could take unlimited amounts of water, thereby drying up surface flows and effectively negating any reserved water rights held by the United States.

Southern Ute Tribe v. Board of County Commissioners of County of La Plata (D. CO) -- The Court ruled that fee lands owned by an Indian Tribe and mineral interests owned by the Tribe relating to lands within the boundaries of the Tribe's reservation may not be taxed by state and county authorities. The United States filed an amicus curiae brief in support of this position.

-- Wildlife and Marine Resources --

United States v. F/V Haeng Bok #309 (D. Guam) -- The Magnuson Fishery Conservation and Management Act prohibits foreign vessels from fishing in the United States' Exclusive Economic Zone (EEZ) without a permit issued by the Federal Government. In late July 1994, the Coast Guard seized the F/V Haeng Bok #309, a Honduran-registered but Korean-owned vessel that was suspected of multiple incursions into the U.S. EEZ while it was fishing for tuna in the South Pacific. Subsequent investigation revealed that at least 22 of 189 longline sets for tuna were within the U.S. EEZ. The captain of the vessel admitted to illegal

fishing and altering the vessel's log books to make it look as if the vessel had not crossed into the U.S. EEZ. The United States Attorney for the District of Guam, where the vessel was taken after it was seized, subsequently worked out a settlement agreement with the assistance of the Wildlife and Marine Resources Section, in which the vessel owners agreed to pay \$1.1 million in settlement of the forfeiture action and to place satellite transponders on board each of its 17 fishing vessels in order to track vessel position and prevent unauthorized incursions into the U.S. EEZ.

United States v. Jesus Maldonado, et al. (W.D. TX; S.D. TX) -- Multiple prosecutions in a South Texas parrot smuggling ring are nearly completed, resulting in the conviction or guilty pleas from 11 defendants including the ring organizers, the foreign supplier, and subsequent purchasers of the smuggled birds. In February 1992, Austin City police stopped a vehicle driven by ring organizer Jesus Maldonado for a routine traffic violation and found 70 baby amazon parrots in the trunk of his vehicle. These parrots had been taken from the wild in Guatemala and smuggled through Mexico into the United States. Maldonado, one of the largest bird dealers in South Texas, claimed to have "captive-bred" these and many other parrots found at his place of business. After he pled guilty to conspiracy smuggling violations, Maldonado was sentenced to 60 months' imprisonment and fined \$10,000 for his conviction on the Austin incident and was sentenced in the Corpus Christi case to 54 months' incarceration to be served concurrently with the Austin sentence. Four other defendants have also been sentenced to a total of 32 months' imprisonment, 5 years' probation, and \$3,000 in fines. Three defendants were given pretrial diversion with lengthy community service

requirements. Five defendants have yet to be sentenced.

Operation Renegade (C.D. CA; S.D. FL; N.D. IL) -- A three-year undercover investigation into the smuggling of wild birds into the United States from Africa, Southeast Asia, Australia, and New Zealand into the United States has resulted in prosecutions in three different jurisdictions. To date, 24 defendants have been charged, with 18 convicted or pleading guilty. Those 18 have been sentenced to a total of 178 months' incarceration, 72 months' probation, 336 months' supervised release, \$7,500 in fines, and \$177,877 in restitution. Operation Renegade, in which the U.S. Fish and Wildlife Service ran a wildlife quarantine facility as a front to cover its investigation, was recently featured in a NOVA documentary on the Public Broadcasting System.

-- Citizen Enforcement --

Concerned Area Residents for the Environment v. Southview Farm (2d Cir.) -- The United States filed a brief as *amicus curiae* in this appeal from the dismissal of a citizen enforcement action under the Clean Water Act against a large dairy farm in western New York. The District Court dismissed the action after a jury had found the defendant liable for unpermitted discharges of pollutants into U.S. waters. The Clean Water Act requires point sources, such as concentrated animal feeding operations, to obtain a permit to discharge pollutants into waters of the United States. The District Court held that Southview Farm was not a concentrated animal feeding operation, and was therefore not a point source required to obtain a Clean Water Act permit. It based that ruling on its interpretation of EPA's regulatory definition of

animal feeding operation. The District Court held that a farm is not an animal feeding operation, and, therefore, not a concentrated animal feeding operation (which is a type of animal feeding operation), if crops are grown anywhere on the farm, irrespective of the number of animals present and the conditions under which they are confined. The Second Circuit reversed that ruling. Relying on EPA's explanation of its regulations provided in the brief of the United States as *amicus curiae*, the Court held that the regulations are intended to exclude from the definition of animal feeding operations those facilities in which crops are sustained in the area in which the animals are confined, i.e., those in which animals are pastured, not farms that happen to contain fields on which crops are grown as well as feedlots or buildings in which large numbers of animals are confined. Thus, the Court found that Southview Farm is a concentrated animal feeding operation as a matter of law, and reinstated the jury verdict.

Natural Resources Defense Council, Inc. (NRDC) and Delaware Audubon Society v. Texaco Refining and Marketing, Inc. (D. DE) -- This citizen enforcement suit was brought by plaintiffs for violations of the Clean Water Act by Texaco at a petroleum refinery in Delaware City, Delaware, which it formerly owned in full and currently has 50 percent ownership. After a trial, the District Court in Delaware found that there had been 349 permit violations, constituting 3,360 days, most of which had occurred in 1983 and 1984. On August 13, 1992, the Federal District Court entered an order imposing a penalty of \$500 per day of violation (a total of \$1,680,000) and enjoined Texaco from further activities in violation of its NPDES permit. On appeal, the United States Court of Appeals for the Third Circuit reversed as to certain violations and narrowed the scope of the injunction entered by

the District Court, ultimately reducing the penalty to \$1,578,000. The final order of the District Court was entered on November 6, 1993, and the money was collected by the Division on December 7, 1993.

LEGISLATIVE AND POLICY INITIATIVES

The Division has participated extensively in Administration efforts to amend or reform several major environmental statutes, including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), the Clean Water Act, the Safe Drinking Water Act, and the federal pesticide and food safety laws. More specifically, the Division assisted in drafting the Administration's bill for revising CERCLA, in developing the President's Clean Water Initiative for reauthorizing the Clean Water Act, and in preparing the Administration's proposal for reauthorizing the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

On the international front, in response to Administration requests, the Policy, Legislation and Special Litigation Section (PLSL) has been active in assisting in development of positions and strategy on a number of foreign policy initiatives, including the ratification of the United Nations Convention on Law of the Sea, U.S.-Mexico enforcement initiatives, and trade and environment matters. The Division participated in the cabinet-level U.S.-Mexico Binational Commission meeting in Mexico which addressed the problem of transboundary pollution. We also promoted the formation of a Natural Resources Protection Coordinating

Committee in New Mexico. The agreement establishing this Committee was signed by Attorney General Reno and Administrator Browner and calls for Mexican participation in discussion among U.S. federal, state, and local environmental officials when cross-border environmental issues arise. Also, the Division is a member of the White House Core Group on Trade and Environment, where Division representatives focus on the use of trade measures to address international environmental concerns and the development of positions on trade and environmental matters in the GATT and other international bodies. Division attorneys recently worked with the Core Group in the development of policy recommendations to the President on the nature of trade sanctions and the countries to be sanctioned under the Pelly Amendment.

The Division has made the development of a new partnership with Indian tribes a priority. On May 5-6, 1994, the Department of Justice and the Department of the Interior sponsored the National American Indian Listening Conference in Albuquerque, New Mexico. In response to tribal suggestions made at the Conference, the Division is exploring ways to enhance our advocacy on behalf of tribes and to better coordinate the enforcement, through litigation, of environmental laws on Indian reservations. Also, the Division successfully worked to enact an amendment to the American Indian Religious Freedom Act (AIRFA) that will protect the religious rights of Indians. The bill was enacted in the Fall, 1994.

This fiscal year, we have joined other federal agencies in their efforts to ensure that environmental regulation and enforcement are directed at the highest environmental risks, including those risks that disproportionately affect low income and minority communities. Among

other things, we played a key role in the development and implementation of the Executive Order on Environmental Justice.

In recognition of the significant role state and local governments play in protection of the environment and natural resources, the Division created the position of Counselor for State and Local Environmental Affairs. Throughout the past year, we worked closely with states to improve federal-state cooperation by encouraging the formation of federal-state task forces and Law Enforcement Coordinating Committees designed to enhance civil and criminal prosecution of environmental violations. Division lawyers taught and participated in training conferences that addressed environmental enforcement issues and were attended by staffs of the state attorneys general. The Division joined with states in various enforcement actions, including the United States v. Marine Shale case which resulted in a large court-awarded pollution penalty.

In FY94, the Division continued to provide legal advice to our client agencies as they moved toward an ecosystem approach under which ecosystems are considered management units that are defined by ecological, not political, boundaries. In addition, the Division has contributed substantially to the work of the Administration's Interagency Ecosystem Management Task Force and working group by participating in on-site studies of several ecosystems and by leading the work group's efforts to evaluate the Federal Government's legal authorities to determine the opportunities and barriers they present for ecosystem management.

Also, in FY94, the Division encouraged the use of Alternative Dispute Resolution (ADR) procedures in appropriate cases. Our attorneys are engaged in

ADR processes, typically mediation, in over 60 environmental cases, and we are considering the use of an ADR process in at least two dozen additional matters. These disputes involve a wide range of contexts -- including tribal land disputes, CERCLA allocations, regulatory licenses, condemnations, remedy selections, quiet title actions, and natural resource management decisions -- and we believe that ADR can help to settle these and similar matters in a manner that benefits all interested parties.

In addition to using ADR processes in specific cases, the Division has been actively involved in the work of the ADR Committee of the Attorney General's Civil Justice Reform Task Force, which is seeking to formulate recommendations on the manner in which ADR processes may be more effectively implemented in the Department as a whole. We expect to continue these efforts in FY95 and plan to use ADR processes in all appropriate cases.

Section 1

Case Outcomes



**BLANK
PAGE**

FY94*
CIVIL AFFIRMATIVE AND DEFENSIVE MONETARY AWARDS

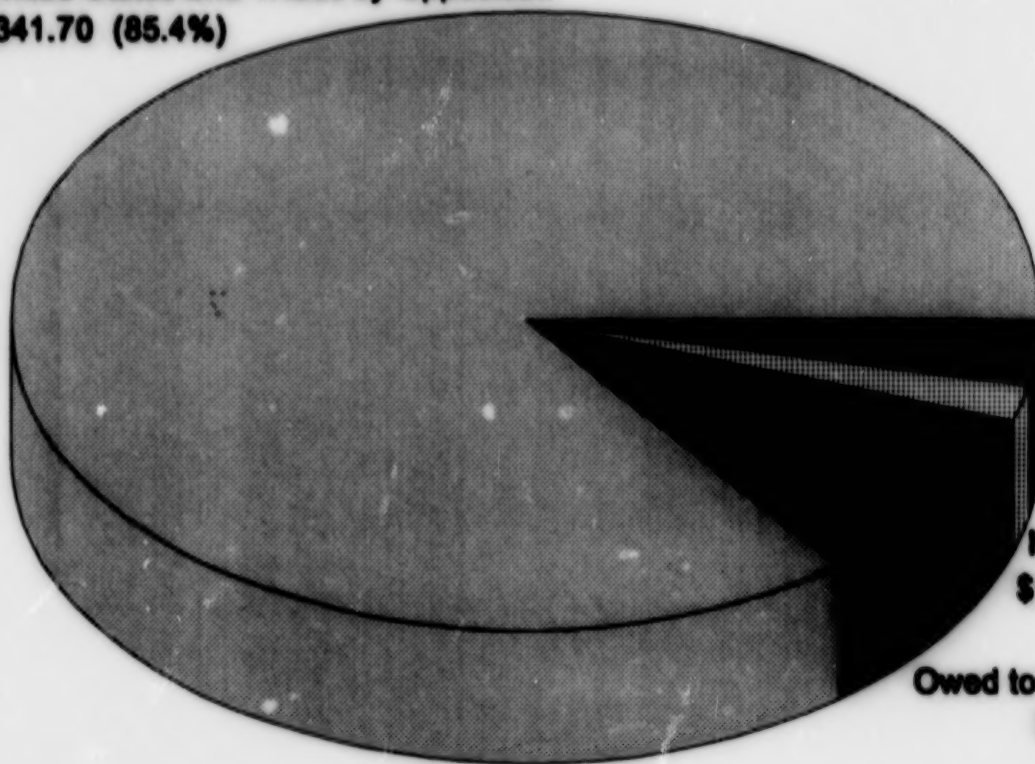
(Including Citizen Enforcement Suits)

(Limited to Cases Brought or Defended by the Department of Justice and Citizen Groups)

Owed to United States and Tribes by Opposition
\$522,635,341.70 (85.4%)

OWED BY OPPOSITION \$555.1 MILLION

OWED BY U.S. \$57.0 MILLION



Owed to States, Municipalities and
Private Parties by the Opposition
\$20,480,258.84 (3.3%)

Held in Court Registry
\$12,000,000.00 (2.0%)

Owed to Opposition by the United States
\$58,976,421.39 (9.3%)

*Assessments for FY94 were extracted from the Division's LDTS computer system on January 6, 1995. We anticipate that these figures will increase as we receive notification of new awards from the United States Attorneys' Offices and client agencies.

Grand Total: \$612,072,021.93

FY94
DIVISION CIVIL AWARDS BY SECTION AND AGENCY¹
(Including Citizen Enforcement Suits)

SECTION/AGENCY	OWED TO UNITED STATES/INDIAN TRIBES BY OPPOSITION	OWED TO STATES/MUNICIPALITIES BY OPPOSITION	HELD IN COURT REGISTRY (DISTRIBUTION OF MONIES TO BE DETERMINED LATER)	OWED TO OPPOSITION/LANDOWNER BY THE UNITED STATES	TOTAL AWARD
<u>Ameliate (Original)</u>					
Transportation	\$ 130.00			\$ 595.02	\$ 725.02
SUBTOTAL:	\$ 130.00			\$ 595.02	\$ 725.02
<u>Environmental Defense</u>					
Agriculture	\$ 250,000.00			\$ --	\$ 250,000.00
Army	202,500.00			--	202,500.00
Defense	1,000,000.00			1,182,509.22	2,182,509.22
EPA	401,183.75			68,737.04	469,920.79
GSA	--			27,366.00	27,366.00
Navy	627.81			173,000.00	173,627.81
Small Business Admin	--			55,000.00	55,000.00
SUBTOTAL:	\$ 1,854,311.56			\$ 1,506,612.26	\$ 3,360,923.82
<u>Environmental Enforcement</u>					
Commerce	\$ 107,028.00	\$ 2,568,231.13	\$ --		\$ 2,675,259.13
EPA	353,297,136.10	17,498,027.71	12,000,000.00		382,795,163.81
Interior	6,006,000.00	394,000.00	--		6,400,000.00
Transportation	62,000.00	--	--		62,000.00
SUBTOTAL:	\$ 359,472,164.10	\$ 20,460,258.84	\$ 12,000,000.00		\$ 391,932,422.94²
<u>General Litigation</u>					
Agriculture	\$ 256,906.32			\$ 192,643.28	\$ 449,549.60
Army	707.45			1,185,000.00	1,185,707.45
Commerce	--			235,000.00	235,000.00
Energy	--			26,000.00	26,000.00
GSA	--			100,000.00	100,000.00
Interior	159,062,827.79 ³			6,489,392.79	165,552,220.58
Navy	--			483,660.00	483,660.00
Transportation	191.40			70,500.00	70,691.40
SUBTOTAL:	\$ 159,320,632.96			\$ 8,782,216.07	\$ 168,102,849.03

¹ Awards for FY94 were extracted from the Division's computer system on January 6, 1995. We anticipate that these figures will increase as we receive notification of new awards from the United States Attorneys' Offices and client agencies.

² In addition, defendants in Environmental Enforcement cases were required to perform injunctive relief and cleanup activities valued at approximately \$1.2 billion. Also, defendants in some cases have agreed to perform supplemental environmental projects (SEPs). The total of these SEPs is valued at approximately \$15.3 million.

³ Includes writeoffs in Surface Mining cases that were received in the Division during FY94.

28

FY94
DIVISION CIVIL AWARDS BY SECTION AND AGENCY
(Including Citizen Enforcement Suits)
(Continued)

SECTION/AGENCY	OWED TO UNITED STATES/INDIAN TRIBES BY OPPOSITION	OWED TO STATES/MUNICIPALITIES BY OPPOSITION	HELD IN COURT REGISTRY (DISTRIBUTION OF MONIES TO BE DETERMINED LATER)	OWED TO OPPOSITION/LANDOWNER BY THE UNITED STATES	TOTAL AWARD
<u>Indian Resources</u>					
Interior	\$ 15,000.00				\$ 15,000.00
SUBTOTAL:	\$ 15,000.00				\$ 15,000.00
<u>Land Acquisition</u>					
Agriculture				\$ 50,000.00	\$ 50,000.00
Army				2,310,713.00	2,310,713.00
Energy				795,402.00	795,402.00
GSA				3,376,789.60	3,376,789.60
Interior				17,240,028.50	17,240,028.50
Justice				6,063,925.25	6,063,925.25
Navy				12,120,547.00	12,120,547.00
Transportation				478,411.00	478,411.00
Wash Met Area Transit Auth				3,909,068.00	3,909,068.00
SUBTOTAL:				\$ 46,344,884.35	\$ 46,344,884.35
<u>PLSL</u>					
EPA	\$ 600.00				\$ 600.00
Justice	1,966,868.63				1,966,868.63
SUBTOTAL:	\$ 1,967,468.63				\$ 1,967,468.63
<u>Wildlife</u>					
Commerce	\$ 5,573.25			\$ --	\$ 5,573.25
Interior	61.20			342,113.69	342,174.89
SUBTOTAL:	\$ 5,634.45			\$ 342,113.69	\$ 347,748.14
GRAND TOTAL:	\$ 522,635,341.70	\$ 20,460,258.84	\$ 12,000,000.00	\$ 56,976,421.39	\$ 612,072,021.93

FY94
DIVISION CIVIL AWARDS BY SECTION AND CATEGORY¹
(Including Citizen Enforcement Suits)

SECTION/CATEGORY	OWED TO UNITED STATES/INDIAN TRIBES BY OPPOSITION	OWED TO STATES/MUNICIPALITIES BY OPPOSITION	HELD IN COURT REGISTRY (DISTRIBUTION OF MONIES TO BE DETERMINED LATER)	OWED TO OPPOSITION/LANDOWNER BY THE UNITED STATES	TOTAL AWARD
<u>Amalgate (Original)</u>					
NEPA	\$ 130.00			\$ 595.02	\$ 725.02
SUBTOTAL:	\$ 130.00			\$ 595.02	\$ 725.02
<u>Environmental Defense</u>					
CERCLA/Superfund	\$ 1,000,627.81			\$ 1,344,875.22	\$ 2,345,503.03
Clean Air	--			45,000.00	45,000.00
Clean Water	599,995.35			115,000.00	714,995.35
FIFRA	--			1,231.65	1,231.65
RCRA	253,688.40			505.39	254,193.79
SUBTOTAL:	\$ 1,854,311.56			\$ 1,506,612.26	\$ 3,360,923.82
<u>Environmental Enforcement</u>					
CERCLA/Superfund	\$ 298,603,424.51	\$ 13,681,527.71	\$ 12,000,000.00		\$ 324,284,952.22
Clean Air	18,542,787.96	857,500.00	--		19,400,287.96
Clean Water	21,840,342.36	4,627,231.13	--		26,467,573.49
FIFRA	10,000.00	--	--		10,000.00
NPDES/Ocean Dumping	6,006,000.00	394,000.00	--		6,400,000.00
RCRA	12,653,259.27	900,000.00	--		13,553,259.27
Safe Drinking	1,815,000.00	--	--		1,815,000.00
Toxic Substances Control	1,350.00	--	--		1,350.00
SUBTOTAL:	\$ 359,472,164.10	\$ 20,460,258.84	\$ 12,000,000.00		\$ 391,932,422.94²
<u>General Litigation</u>					
Damages/Trespass	\$ 281,282.32			\$ 220,000.00	\$ 501,282.32
Indian/Tribal Claims	--			2,097,348.00	2,097,348.00
Mineral Lands/Leases	152,689,755.80			1,430,004.86	154,119,760.66
Nat'l Forest Management	--			79,793.97	79,793.97
NEPA	191.40			1,439,881.56	1,440,072.96
Quiet Title	--			650,000.00	650,000.00
Reclamation Law	--			28,162.50	28,162.50

¹ Awards for FY94 were extracted from the Division's computer system on January 6, 1995. We anticipate that these figures will increase as we receive notification of new awards from the United States Attorneys' Offices and client agencies.

² In addition, defendants in Environmental Enforcement cases were required to perform injunctive relief and cleanup activities valued at approximately \$1.2 billion. Also, defendants in some cases have agreed to perform supplemental environmental projects (SEPs). The total of these SEPs is valued at approximately \$15.3 million.

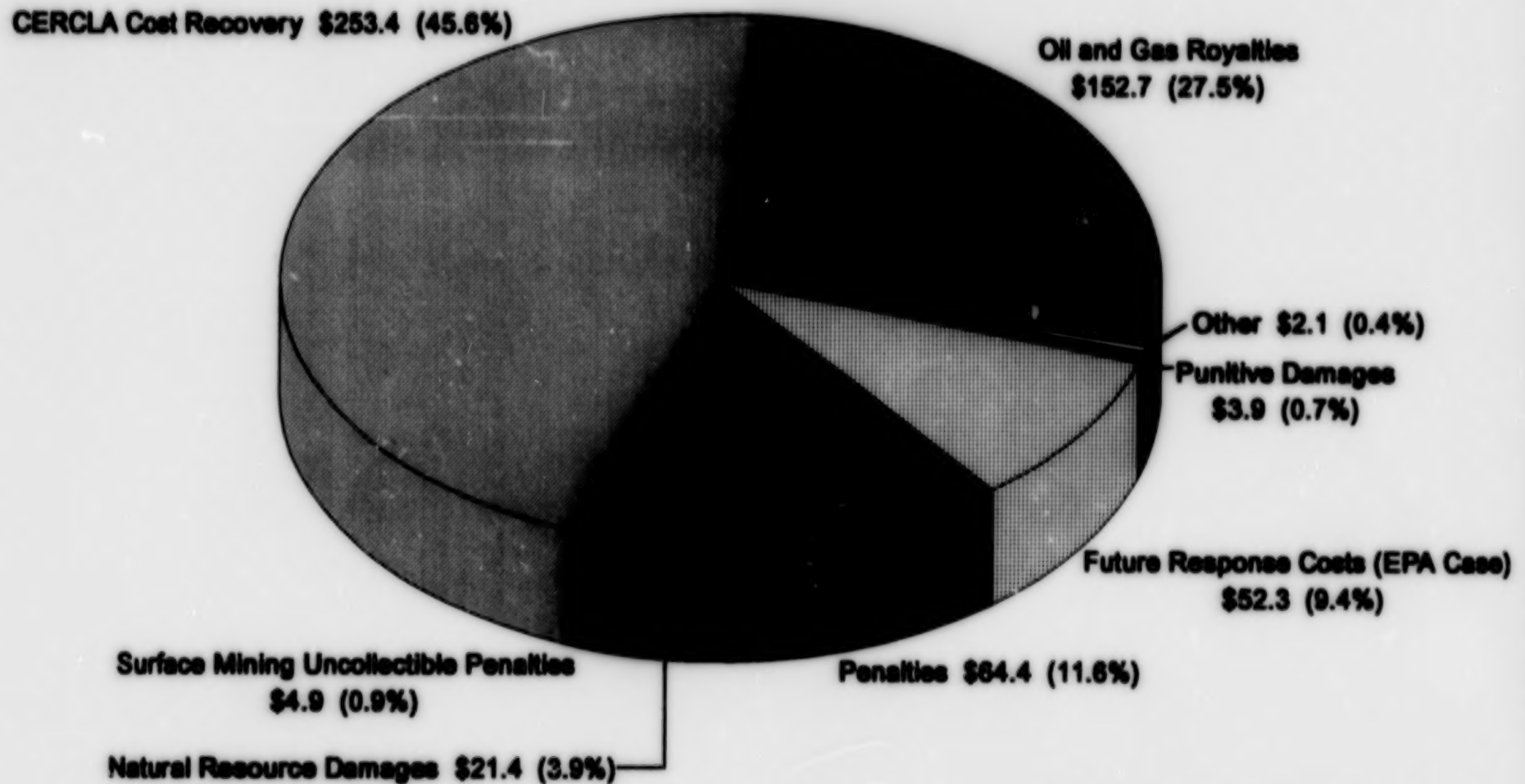
FY94
DIVISION CIVIL AWARDS BY SECTION AND CATEGORY
(Including Citizen Enforcement Suits)
(Continued)

SECTION/CATEGORY	OWED TO UNITED STATES/INDIAN TRIBES BY OPPOSITION	OWED TO STATES/MUNICIPALITIES BY OPPOSITION	HELD IN COURT REGISTRY (DISTRIBUTION OF MONIES TO BE DETERMINED LATER)	OWED TO OPPOSITION/LANDOWNER BY THE UNITED STATES	TOTAL AMOUNT
<u>General Litigation - Cont.</u>					
Surface Mining	\$ 6,348,695.99			\$ 94,398.62	\$ 6,443,094.61
Tucker Act	707.45			1,968,143.13	1,968,850.58
Water Rights	--			774,483.43	774,483.43
SUBTOTAL:	\$ 159,320,632.96			\$ 8,782,216.07	\$ 168,102,849.03
<u>Indian Resources</u>					
Water Rights	\$ 15,000.00				\$ 15,000.00
SUBTOTAL:	\$ 15,000.00				\$ 15,000.00
<u>Land Acquisition</u>					
Eminent Domain				\$ 46,344,884.35	\$ 46,344,884.35
SUBTOTAL:				\$ 46,344,884.35	\$ 46,344,884.35
<u>PLBL</u>					
Clean Water Superfund	\$ 1,873,800.00				\$ 1,873,800.00
	93,668.63				93,668.63
SUBTOTAL:	\$ 1,967,468.63				\$ 1,967,468.63
<u>Wildlife</u>					
Endangered Species	\$ 2,561.20			\$ 304,108.19	\$ 306,669.39
Fisheries/Marine Resources	3,073.25			--	3,073.25
Wild Bird Conservation	--			31,500.00	31,500.00
Wildlife Miscellaneous	--			6,505.50	6,505.50
SUBTOTAL:	\$ 5,634.45			\$ 342,113.69	\$ 347,748.14
GRAND TOTAL:	\$ 522,635,341.70	\$ 20,460,238.84	\$ 12,000,000.00	\$ 56,976,421.39	\$ 612,072,021.93

³ Monies assessed under the Emergency Plan and Community Right to Know provision of CERCLA.

FY94 CIVIL AFFIRMATIVE AWARDS

(Monies Owed to the United States, States, and Municipalities by Defendants)
(Including Citizen Enforcement Suits)
(in millions of dollars)



Total: \$555.1 Million

FY94 CRIMINAL CASE ACTIVITY¹

Event	SECTION		Total
	Env. Crimes	Wildlife	
FILINGS (by Defendant):			
Complaints	0	3	3
Indictments	62	55	117
Informations	<u>38</u>	<u>74</u>	<u>112</u>
Total	100	132	232
OUTCOMES			
Fines	\$ 19,768,347.00	\$ 215,330.00	\$ 19,983,677.00
Restitution	8,459,703.00	12,550.00	8,472,253.00
Special Assessments	3,395.00	4,420.00	7,815.00
Monies to State	<u>1,132,881.00</u>	<u>.00</u>	<u>1,132,881.00</u>
Total	\$ 29,364,426.00	\$ 232,300.00	\$ 29,596,726.00
<u>BY DEFENDANT</u>			
Convictions/Pleas	100	24	124
Acquittals	9	0	9
Dismissals	<u>7</u>	<u>0</u>	<u>7</u>
Total	116	24	140
<u>BY COUNT</u>			
Convictions/Pleas	101	99	200
Acquittals	9	2	11
Dismissals	8	80	88
Other	<u>0</u>	<u>2</u>	<u>2</u>
Total	118	183	301
INCARCERATION/PROBATION			
Prison			
Years	52	49	101
Months	2	8	10
Supervised Release			
Years	19	31	50
Months	9	0	9
Probation			
Years	107	45	152
Months	1	6	7
CONVICTION RATE²	86%	100%	88%

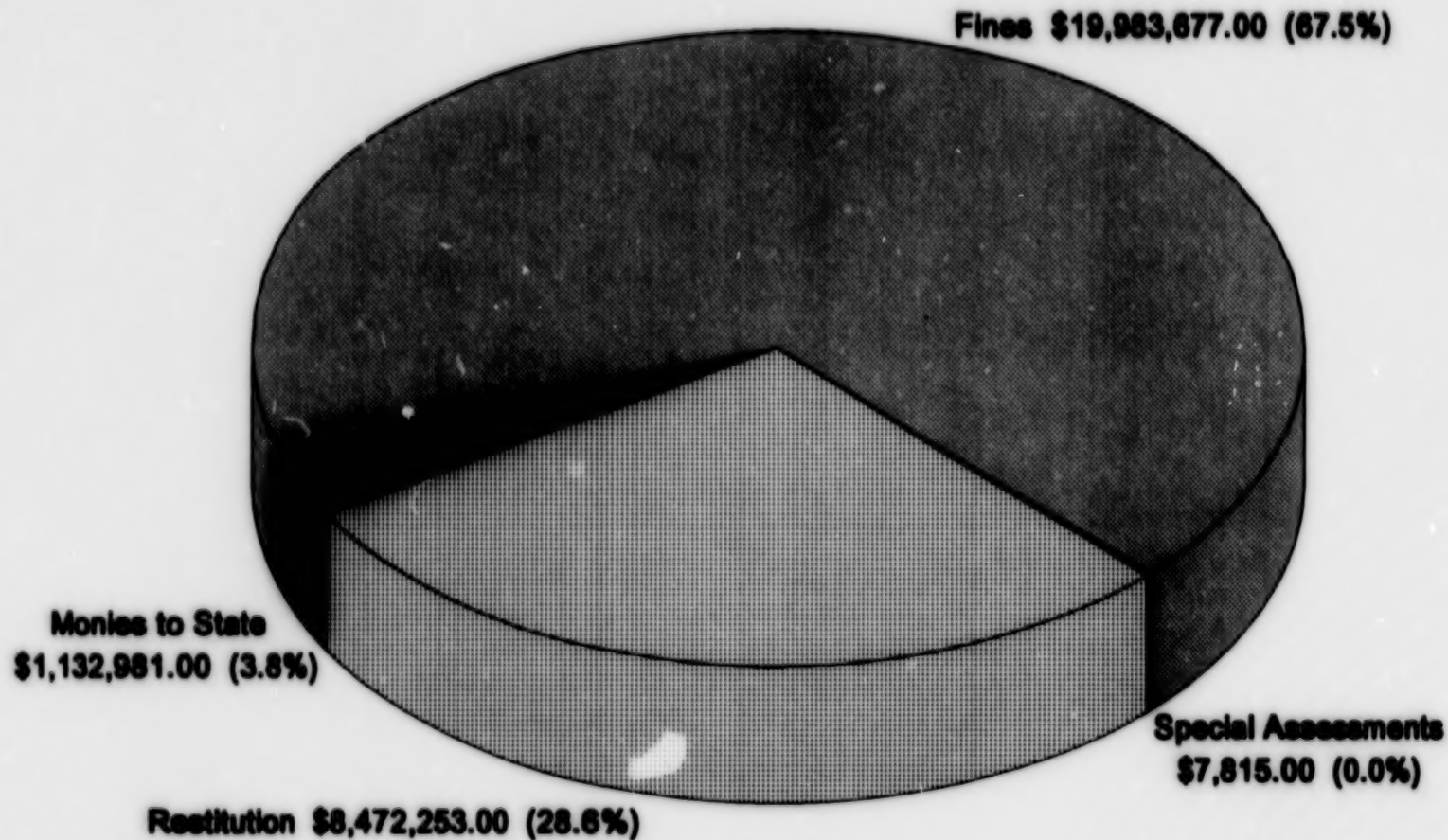
¹ Information on criminal activity was extracted from the Division's computer system on January 6, 1995. Figures on this chart may change as we receive notification of criminal case outcomes.

² The total number of criminal filings is slightly higher than reported, due to a small number of cases handled exclusively by the United States Attorneys' Offices; these are not recorded in the Division's case tracking system.

³ Conviction rate is calculated by dividing the total number of defendants with a disposition of "convictions/pleas" by the total number of defendants with a disposition.

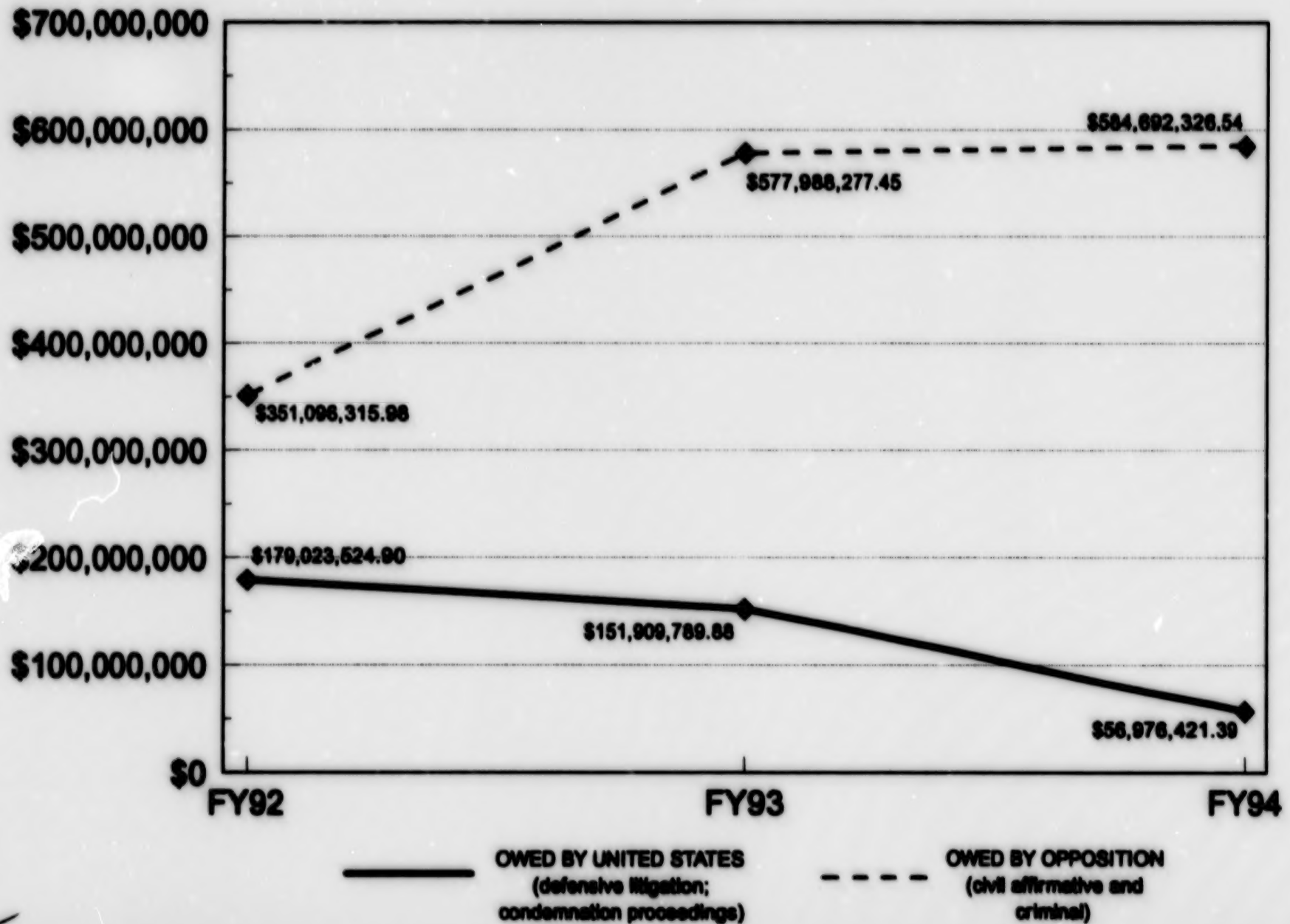
**BLANK
PAGE**

FY94
CRIMINAL AWARDS, RESTITUTION, AND SPECIAL ASSESSMENTS
(Environmental Crimes and Wildlife Sections)



Total: \$29,596,726.00

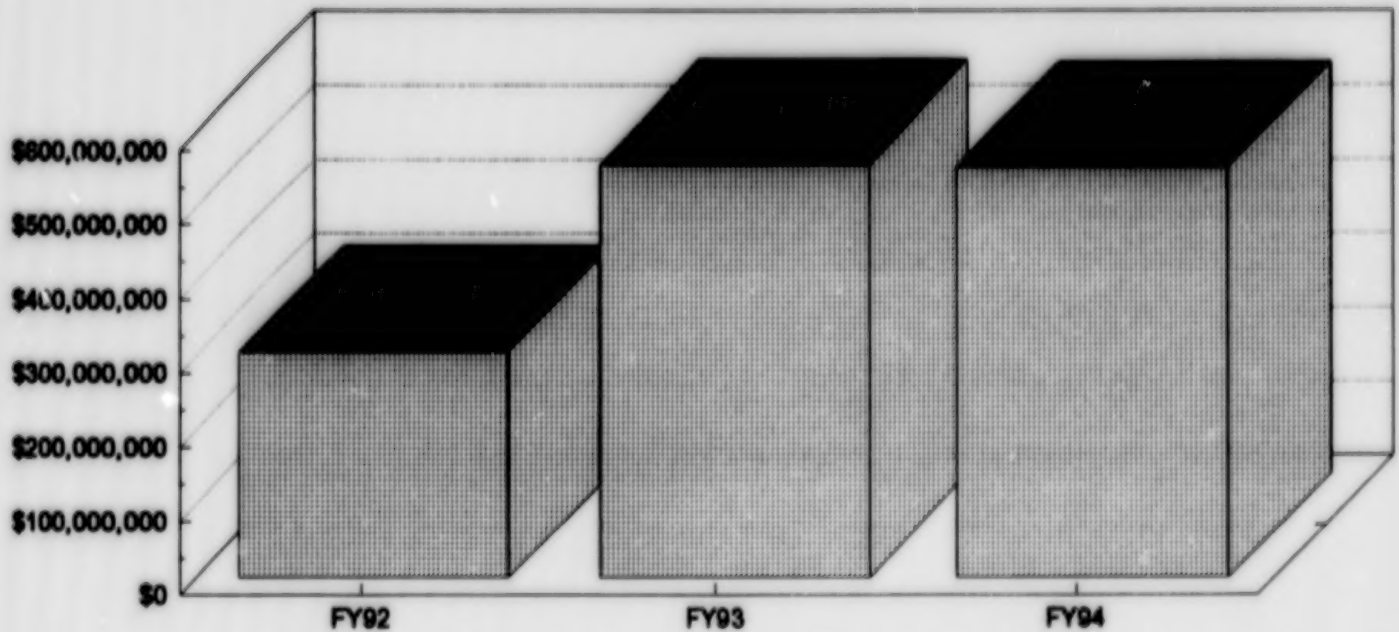
FY92 - FY94
CIVIL AND CRIMINAL ASSESSMENTS
(Excluding the FY92 \$1.025 Billion Settlement in the Exxon Valdez Litigation)



FY92 - FY94
TOTAL AMOUNT ASSESSED IN CIVIL AFFIRMATIVE
AND CRIMINAL LITIGATION

(Excluding the FY92 \$1.025 Billion Settlement in the Exxon Valdez Litigation)
(Includes Monies Owed to the United States, States, and Municipalities by Opposition)

CIVIL



CRIMINAL



* Includes \$18.3 million assessed against Rockwell International Corporation.

**BLANK
PAGE**

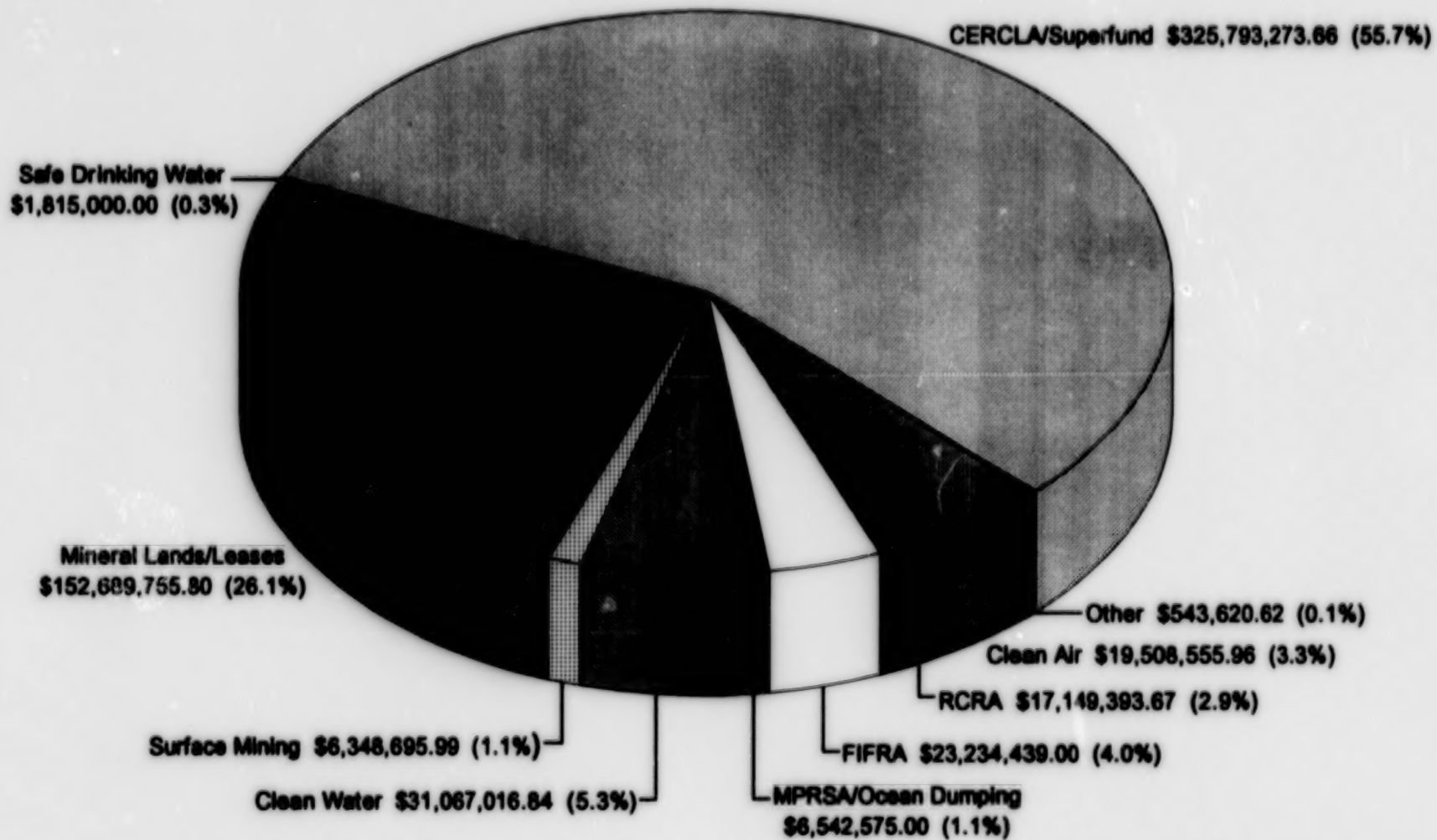
FY94
TOTAL AMOUNT ASSESSED IN CIVIL AFFIRMATIVE AND CRIMINAL
LITIGATION BY STATUTE/CATEGORY

(Monies Owed to the United States, States, and Municipalities by Opposition)

STATUTE	CIVIL	CRIMINAL	TOTAL	PERCENTAGE OF TOTAL
CERCLA/Superfund	\$ 325,379,248.86	\$ 414,025.00	\$ 325,793,273.66	55.7
Mineral Lands/Leases	152,689,755.80	.00	152,689,755.80	26.1
Clean Water	28,941,368.84	2,125,648.00	31,067,016.84	5.3
FIFRA	10,000.00	23,224,439.00	23,234,439.00	4.0
Clean Air	19,400,287.96	108,268.00	19,508,555.96	3.3
RCRA	13,806,947.67	3,342,446.00	17,149,393.67	2.9
MPRSA/Ocean Dumping	6,400,000.00	142,575.00	6,542,575.00	1.1
Surface Mining	6,348,695.99	.00	6,348,695.99	1.1
Safe Drinking Water	1,815,000.00	.00	1,815,000.00	0.3
Damages/Trespass	281,282.32	.00	281,282.32	0.0
Endangered Species	2,561.20	127,975.00	130,536.20	0.0
Lacey	.00	70,025.00	70,025.00	0.0
Wildlife Miscellaneous	.00	25,625.00	25,625.00	0.0
Water Rights	15,000.00	.00	15,000.00	0.0
Marine Mammal Protection	.00	6,875.00	6,875.00	0.0
Fed Land Policy Management	.00	5,025.00	5,025.00	0.0
Toxic Substances Control	1,350.00	2,000.00	3,350.00	0.0
Fisheries/Marine Resources	3,073.25	.00	3,073.25	0.0
Migratory Bird	.00	1,700.00	1,700.00	0.0
Tucker Act	707.45	.00	707.45	0.0
NEPA	321.40	.00	321.40	0.0
Bald/Golden Eagle	.00	100.00	100.00	0.0
TOTAL:	\$ 555,095,600.54	\$ 29,596,726.00	\$ 584,692,326.54	99.8

FY94
TOTAL AMOUNT ASSESSED IN CIVIL AFFIRMATIVE AND CRIMINAL
LITIGATION BY STATUTE/CATEGORY

(Monies Owed to the United States, States, and Municipalities by Opposition)



Total: \$584,692,326.54

FY94
TOTAL AMOUNT ASSESSED IN CIVIL AFFIRMATIVE AND CRIMINAL
LITIGATION BY JUDICIAL DISTRICT

(Monies Owed to the United States, States, and Municipalities by Opposition)

DISTRICT	CIVIL	CRIMINAL	TOTAL	PERCENTAGE OF TOTAL
Louisiana, Western	\$ 158,654,255.80	\$ 110,000.00	\$ 158,764,255.80	27.2
Missouri, Eastern	101,637,959.04	1,712,000.00	103,349,959.04	17.7
New Jersey	71,181,300.34	.00	71,181,300.34	12.2
Massachusetts	48,592,568.09	.00	48,592,568.09	8.3
Texas, Western	.00	23,227,014.00	23,227,014.00	4.0
Washington, Western	15,244,229.41	27,700.00	15,271,929.41	2.6
Colorado	12,676,451.15	37,000.00	12,713,451.15	2.2
California, Central	9,186,593.90	620,900.00	9,807,493.90	1.7
Minnesota	8,179,557.03	.00	8,179,557.03	1.4
Ohio, Northern	7,919,474.71	6,318.00	7,925,792.71	1.4
Pennsylvania, Eastern	6,838,956.72	357,500.00	7,196,456.72	1.2
Michigan, Western	7,028,473.09	50,050.00	7,078,523.09	1.2
California, Northern	6,797,500.00	115,075.00	6,912,575.00	1.2
Kentucky, Eastern	6,885,151.09	.00	6,885,151.09	1.2
Ohio, Southern	6,656,258.41	.00	6,656,258.41	1.1
Connecticut	6,343,068.07	8,770.00	6,351,838.07	1.1
Arkansas, Eastern	5,600,000.00	.00	5,600,000.00	1.0
Illinois, Northern	4,965,756.09	.00	4,965,756.09	0.8

FY94
TOTAL AMOUNT ASSESSED IN CIVIL AFFIRMATIVE AND CRIMINAL
LITIGATION BY JUDICIAL DISTRICT

(Monies Owed to the United States, States, and Municipalities by Opposition)

(Continued)

DISTRICT	CIVIL	CRIMINAL	TOTAL	PERCENTAGE OF TOTAL
Kansas	\$ 4,816,050.24	\$ 2,500.00	\$ 4,818,550.24	0.8
Wisconsin, Western	4,474,573.62	.00	4,474,573.62	0.8
Delaware	4,453,259.13	.00	4,453,259.13	0.8
Indiana, Southern	3,360,923.45	114,430.00	3,475,353.45	0.6
Florida, Middle	3,007,600.00	389,576.00	3,397,176.00	0.6
Tennessee, Eastern	3,133,400.21	3,050.00	3,136,450.21	0.5
Illinois, Central	3,028,595.77	.00	3,028,595.77	0.5
New Hampshire	2,842,064.94	.00	2,842,064.94	0.5
New Mexico	2,532,632.09	.00	2,532,632.09	0.4
Montana	2,381,061.20	130,400.00	2,511,461.20	0.4
North Carolina, Eastern	2,194,854.73	.00	2,194,854.73	0.4
Louisiana, Middle	2,000,000.00	.00	2,000,000.00	0.3
New York, Northern	1,899,133.72	.00	1,899,133.72	0.3
Michigan, Eastern	1,602,588.03	20,050.00	1,622,638.03	0.3
Maine	1,545,416.40	.00	1,545,416.40	0.3
Maryland	1,474,816.84	1,000.00	1,475,816.84	0.3
West Virginia, Southern	1,418,234.96	25,000.00	1,443,234.96	0.2
New York, Southern	1,426,158.54	.00	1,426,158.54	0.2

FY94
TOTAL AMOUNT ASSESSED IN CIVIL AFFIRMATIVE AND CRIMINAL
LITIGATION BY JUDICIAL DISTRICT

(Monies Owed to the United States, States, and Municipalities by Opposition)
(Continued)

DISTRICT	CIVIL	CRIMINAL	TOTAL	PERCENTAGE OF TOTAL
South Carolina	\$ 1,400,627.81	\$.00	\$ 1,400,627.81	0.2
Missouri, Western	1,350,680.00	500.00	1,351,180.00	0.2
Indiana, Northern	1,336,930.39	.00	1,336,930.39	0.2
Oklahoma, Northern	1,200,000.00	.00	1,200,000.00	0.2
North Carolina, Western	790,386.64	368,000.00	1,158,386.64	0.2
Texas, Northern	1,132,000.00	15,225.00	1,147,225.00	0.2
Kentucky, Western	521,595.47	500,000.00	1,021,595.47	0.2
Virginia, Western	703,148.24	305,000.00	1,008,148.24	0.2
Hawaii	900,000.00	10,000.00	910,000.00	0.2
Florida, Northern	730,607.22	175,800.00	906,407.22	0.2
New York, Eastern	903,061.00	.00	903,061.00	0.2
Wisconsin, Eastern	849,887.66	50,000.00	899,887.66	0.2
Alaska	883,235.48	7,725.00	890,960.48	0.2
Texas, Eastern	888,093.55	.00	888,093.55	0.2
Florida, Southern	199,491.41	648,043.00	847,534.41	0.1
California, Eastern	835,810.41	6,100.00	841,910.41	0.1
Alabama, Northern	802,205.54	.00	802,205.54	0.1
Illinois, Southern	751,314.45	.00	751,314.45	0.1

FY94
TOTAL AMOUNT ASSESSED IN CIVIL AFFIRMATIVE AND CRIMINAL
LITIGATION BY JUDICIAL DISTRICT

(Monies Owed to the United States, States, and Municipalities by Opposition)
(Continued)

DISTRICT	CIVIL	CRIMINAL	TOTAL	PERCENTAGE OF TOTAL
Oregon	\$ 457,918.30	\$ 250,000.00	\$ 707,918.30	0.1
Pennsylvania, Middle	682,002.16	.00	682,002.16	0.1
Texas, Southern	555,400.39	1,175.00	556,575.39	0.1
Georgia, Southern	544,199.22	.00	544,199.22	0.1
California, Southern	515,000.00	.00	515,000.00	0.1
Georgia, Middle	504,004.04	3,000.00	507,004.04	0.1
Georgia, Northern	393,332.00	.00	393,332.00	0.1
Pennsylvania, Western	378,858.57	.00	378,858.57	0.1
Mississippi, Northern	343,000.00	.00	343,000.00	0.1
Wyoming	302,785.87	5,025.00	307,810.87	0.1
Virginia, Eastern	279,289.22	5,050.00	284,339.22	0.0
Nebraska	269,820.77	.00	269,820.77	0.0
Arizona	265,022.00	.00	265,022.00	0.0
North Dakota	250,000.00	100.00	250,100.00	0.0
Arkansas, Western	190,000.00	50,000.00	240,000.00	0.0
Louisiana, Eastern	215,000.00	.00	215,000.00	0.0
Nevada	.00	177,200.00	177,200.00	0.0
Oklahoma, Western	120,000.00	38,375.00	158,375.00	0.0

FY94
TOTAL AMOUNT ASSESSED IN CIVIL AFFIRMATIVE AND CRIMINAL
LITIGATION BY JUDICIAL DISTRICT

(Monies Owed to the United States, States, and Municipalities by Opposition)

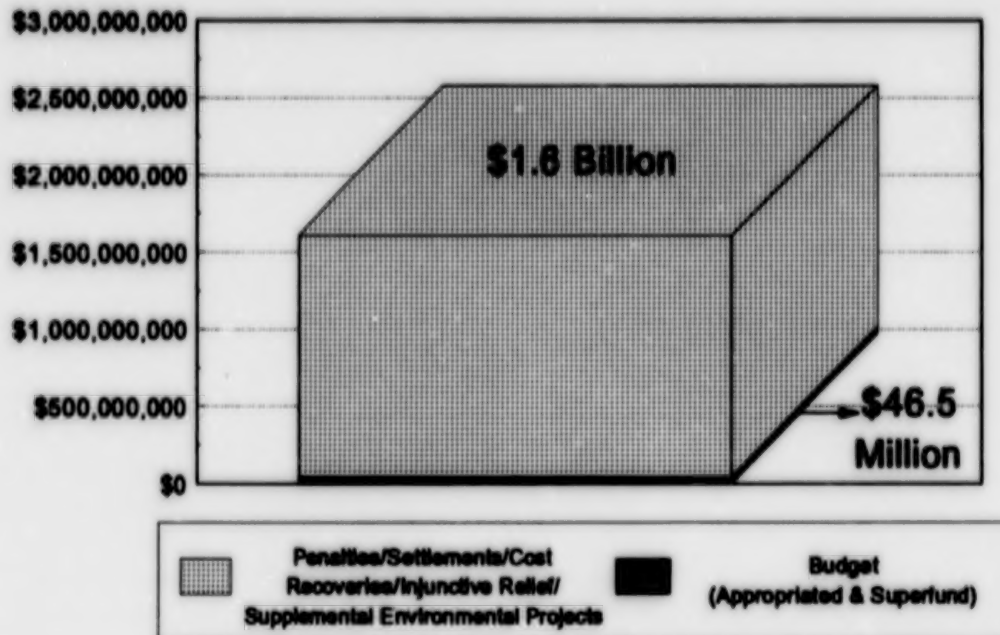
(Continued)

DISTRICT	CIVIL	CRIMINAL	TOTAL	PERCENTAGE OF TOTAL
West Virginia, Northern	\$ 158,028.40	\$.00	\$ 158,028.40	0.0
Guam	150,000.00	1,050.00	151,050.00	0.0
Idaho	124,286.32	.00	124,286.32	0.0
North Carolina, Middle	92,500.00	.00	92,500.00	0.0
Washington, Eastern	90,160.00	.00	90,160.00	0.0
New York, Western	26,600.00	.00	26,600.00	0.0
Mississippi, Southern	.00	19,350.00	19,350.00	0.0
Virgin Islands	13,000.00	.00	18,000.00	0.0
Original Appeal	4,977.95	.00	4,977.95	0.0
Rhode Island	3,573.25	.00	3,573.25	0.0
Alabama, Southern	2,500.00	.00	2,500.00	0.0
District of Columbia	1,350.00	1,050.00	2,400.00	0.0
Puerto Rico	.00	625.00	625.00	0.0
TOTAL:	\$ 555,095,600.54	\$ 29,596,726.00	\$ 584,692,326.54	99.9

FY94 DIVISION RETURN ON INVESTMENTS

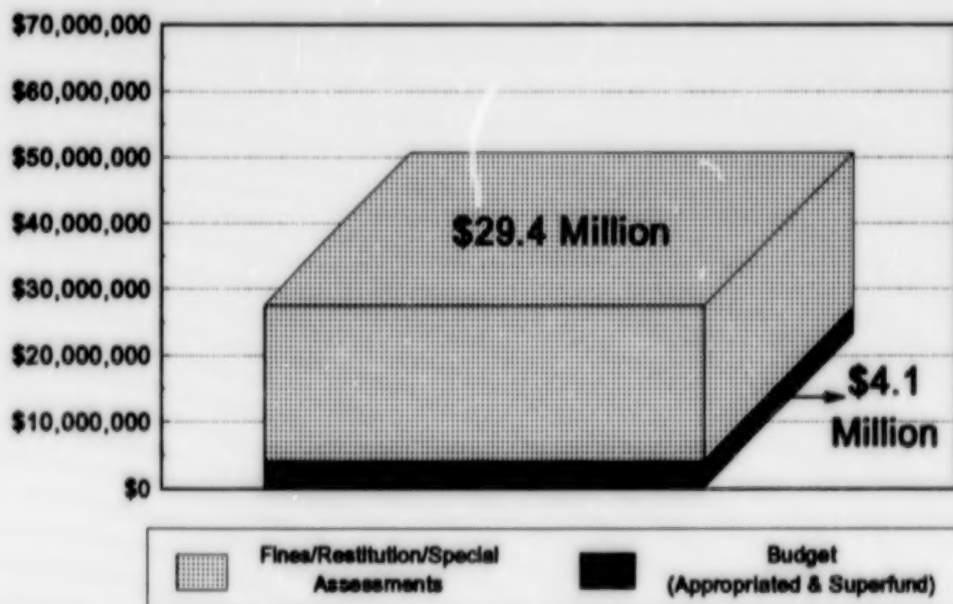
ENVIRONMENTAL ENFORCEMENT SECTION

The combined Superfund and appropriated budget for the Environmental Enforcement Section in FY94 was an estimated \$46.5 million. The value of what the Section achieved in terms of revenue to the Treasury and various trust funds, as well as commitments to cleanup activities at Superfund sites and supplemental environmental projects, was over \$1.6 billion. This represents a 34 to 1 return on the Section's investment.



ENVIRONMENTAL CRIMES SECTION

The combined Superfund and appropriated budget for the Environmental Crimes Section in FY94 was an estimated \$4.1 million. The value of what the Section achieved in terms of revenue to the United States and the various states was \$29.4 million. This represents a 7 to 1 return on the Section's investment.





FY94 DEBT COLLECTIONS

(Environment and Natural Resources Division Actual Monetary
Collections Received, Separated by Receiving Organization)



SECTION/CATEGORY	RECEIVED BY DIVISION	RECEIVED BY AGENCY	RECEIVED BY USAO	RECEIVED BY OTHER DIVISIONS
<u>Appellate</u>				
Court Costs	\$ 130.00	\$.00	\$.00	\$.00
Total:	\$ 130.00	\$.00	\$.00	\$.00
<u>Environmental Defense</u>				
Civil Penalties	\$ 307,500.00	\$.00	\$ 162,750.00	\$.00
Cost Recovery	.00	.00	5,700.00	.00
Court Costs	8,118.31	.00	.00	.00
Total:	\$ 315,618.31	\$.00	\$ 168,450.00	\$.00
<u>Environmental Enforcement</u>				
Cash Out	\$.00	\$ 9,582,375.00	\$.00	\$.00
Civil Penalties	928,708.30	353,800.00	48,708,803.73	100,000.00
Cost Recovery	8,237,230.04	44,137,435.70	88,174,339.80	1,095,000.00
Interest	27,650.18	236,470.76	1,003,588.54	.00
Natural Resource Damages	2,248,000.00	16,182,212.00	913,099.98	205,000.00
Oversight Costs	.00	134,904.05	.00	.00
Stipulated Penalties	.00	126,000.00	1,752,021.36	.00
Total:	\$ 11,441,588.52	\$ 70,753,197.51	\$ 140,551,853.41	\$ 1,400,000.00
<u>General Litigation</u>				
Civil Penalties	\$ 617.62	\$.00	\$ 68,757.00	\$.00
Cost Recovery	.00	2,348,472.40	.00	.00
Court Costs	7,403.07	.00	.00	.00
Damages	.00	.00	281,161.00	.00
Interest	258.28	.00	.00	.00
Reclamation Fee	.00	.00	354,411.70	.00
Restitution	.00	.00	1,500.00	.00
Royalty Payments	.00	152,687,755.80	.00	.00
Total:	\$ 8,278.97	\$ 155,036,228.20	\$ 705,829.70	\$.00
<u>PLSL (Citizen Enforcement Suits)</u>				
Civil Penalties	\$ 1,930,149.49	\$.00	\$.00	\$.00
Stipulated Penalties	2,450.00	.00	.00	.00
Total:	\$ 1,932,599.49	\$.00	\$.00	\$.00
<u>Wildlife</u>				
Civil Penalties	\$.00	\$ 2,000.00	\$.00	\$.00
Court Costs	563.20	.00	.00	.00
Total:	\$ 563.20	\$ 2,000.00	\$.00	\$.00
GRAND TOTAL:	\$ 13,698,778.49	\$ 225,791,425.71	\$ 141,426,133.11	\$ 1,400,000.00

* Generally, the Division components track recoveries of monies only if the Division or the agency will be collecting the debt. USAO collections represented here reflect mostly the Environmental Enforcement Section cases.

CITIZEN ENFORCEMENT SUITS

In addition to handling the litigation referred by the client agencies, the Division monitors citizen enforcement actions that are brought under the environmental statutes. Most federal environmental statutes contain provisions which allow private citizens to bring civil enforcement actions against both private parties and government agencies to enforce the substantive provisions of that particular statute. These provisions represent a recognition by Congress that the enforcement of the nation's environmental laws is too important to leave to the exclusive province of government enforcers and that a valuable public service is performed when private citizens join in the effort to secure compliance with environmental obligations. Among the many laws that contain such measures are the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Endangered Species Act and the Toxic Substances Control Act.

The citizen suit provisions of each of these statutes are not uniform, but they are similar in certain elements. First, each statute requires that a written 60-day notice be given to the appropriate federal agency or agencies to allow the agency to determine whether to commence an enforcement action or to abate the activity that precipitated the notice. Failure to give such notice prevents a court from exercising jurisdiction over the lawsuit. Second, some of the citizen enforcement provisions, including those under the Clean Air Act and Clean Water Act, require that a copy of the complaint be served upon the Attorney General. These complaints are reviewed by Division staff, and counsel are notified about potential interests of the Division in the litigation. The Division often participates in such actions as an amicus curiae at either the trial or appellate level, when the legal issues are novel or otherwise important to the Division's enforcement interests. Third, an increasing number of citizen suit provisions allow the United States an opportunity to review and comment upon all proposed consent judgments prior to their entry by the court. The Division takes this obligation very seriously and will file objections to the entry of any proposed consent judgment that fails to conform to the purposes or requirements of the environmental statute that is being enforced in the citizen suit.

Finally, under most citizen suit provisions, a court is authorized to levy a penalty against a private party who has been found to be in violation of the law. Any such penalty is owed to the United States (since the citizen plaintiff has filed the suit to enforce the law, not to collect private damages for any violation), and therefore must be paid to the Treasury. Often, the penalties assessed by a court in these actions will run into the hundreds of thousands of dollars; million-dollar payments are not unheard of. (This year, for example, the United States collected over \$1.5 million in penalties in the litigation entitled Natural Resources Defense Council, Inc. (NRDC) and Delaware Audubon Society v. Texaco Refining and Marketing, Inc.) In some cases, the parties may arrange in a settlement for the defendant to fund a "supplemental environmental project." The Division supports such projects when there is a sufficient connection between the proposed environmental project and the violations at issue in the citizen suit.

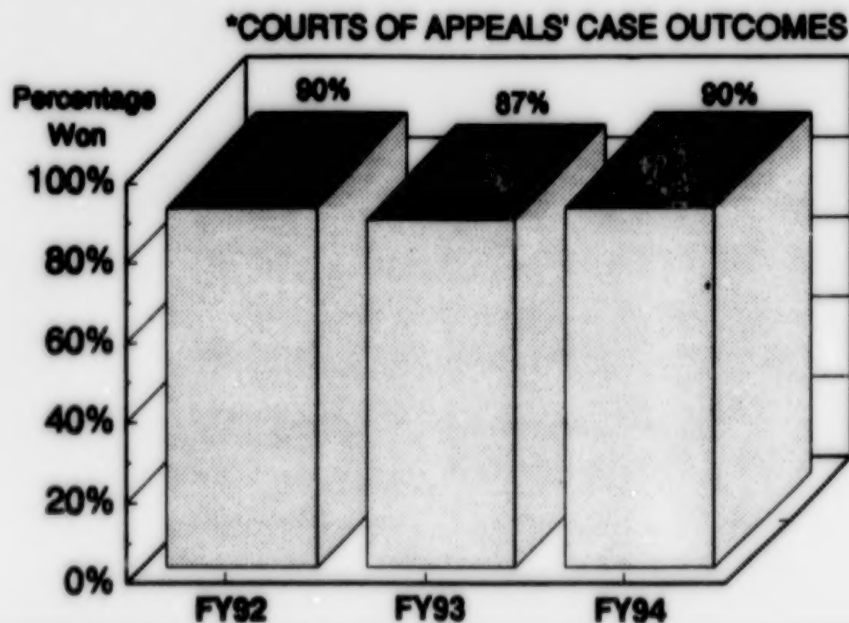
Over the last 5 fiscal years, citizen groups have collectively recovered for the United States Treasury over \$12.8 million in penalties and interest. The Division gratefully acknowledges this effort and the dedication and hard work put forth by these individuals and groups. They are recognized below with our thanks and appreciation.

Public Interest Research Group of New Jersey	\$ 6,103,184.95
Natural Resources Defense Council (NRDC)	2,467,125.00
Sierra Club Legal Defense Fund	1,184,214.00
Atlantic States Legal Foundation	1,067,374.60
Hawaii's Thousand Friends	718,000.00
Chesapeake Bay Foundation	299,822.00
Public Interest Research Group of Ohio	230,000.00
Public Interest Research Group of Massachusetts	147,650.00
State of Missouri	100,000.00
Arkansas Wildlife Federation	80,000.00
Westchester Fish, Game & Wildlife Association	60,000.00
Georgia Environmental Project	50,000.00
International Union, et al.	50,000.00
Steve Work	43,000.00
Environmental Action, Inc.	33,500.00
Friends of the Earth	27,013.70
Georgia Environmental Organization	25,000.00
Public Interest Research Group of Illinois	25,000.00
Hudson River Fishermen's Association	22,500.00
Save the Bay (Rhode Island)	11,250.00
Pennsylvania Environmental Defense Foundation	20,000.00
Ohio Environmental Council	15,000.00
Public Interest Research Group of California	12,000.00
Connecticut Fund for the Environment	10,000.00
Village of Kildeer	10,000.00
Braxton Citizens for a Better Environment	8,000.00
Pirgim Public Interest Lobby, et al.	7,500.00
City of New York	7,200.00
American Littoral Society	5,000.00
Informed Citizens Action Network	5,000.00
State Line Fishing & Hunting Club	5,000.00
Tennessee Environmental Council	5,000.00
Citizens for a Better Environment	4,000.00
Delaware Valley Toxics Coalition	2,000.00
National Environmental Foundation	2,000.00
State of Rhode Island	1,000.00
Philip and Brenda Guidice, et al.	400.00

TOTAL: \$12,863,734.25

FY92 - FY94 APPELLATE SECTION CASE OUTCOMES

	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
<u>WINS:</u>			
Government Prevailed in Trial Court - Appeal Withdrawn by Opposition	26	8	12
Won Appeals Court *	194	168	148
Partially Favorable - Appeals Court *	8	11	11
Won Supreme Court	1	5	7
Won -- Supreme Court Denied Cert	7	12	21
<u>LOSSES:</u>			
Government Lost in Trial Court - No Appeal by the United States	44	32	31
Lost Appeals Court *	23	26	18
Lost -- Supreme Court	-	2	1
Lost -- Supreme Court Denied Cert	1	4	1
<u>OTHER:</u>			
Settlement	14	15	22
Case Filed	3	2	-
No Action Taken	16	29	30
TOTAL:	337	314	302



Section 2

Workload Analyses



**BLANK
PAGE**

FY94
DIVISION CASE/MATTER ACTIVITY REPORT
(Including Citizen Enforcement Suits)

SECTION	PENDING BEGIN		RECEIVED		CLOSED ¹		PENDING END	
	CASES	MATTERS	CASES	MATTERS	CASES	MATTERS	CASES	MATTERS
APPELLATE	813	4	286	1	299	3	800	2
ENVIRONMENTAL CRIMES	342	0	111	0	87	0	366 ²	0
ENVIRONMENTAL DEFENSE	1,749	176	332	147	206	58	1,875	265
ENVIRONMENTAL ENFORCEMENT	1,934	3	439	0	408	0	1,965 ³	3
GENERAL LITIGATION	2,514	12	492	7	1,157	4	1,849	15
INDIAN RESOURCES	318	0	36	0	49	0	305	0
LAND ACQUISITION (Tracts)	5,294	0	706	0	1,609	0	4,391	0
PLSL	55	367	68	210	5	167	118	410
WILDLIFE - Civil	539	0	119	0	106	0	552	0
Criminal	811	0	230	0	118	0	923	0
Matters	0	73	0	258	0	155	0	176
Total:	1,350	73	349	258	224	155	1,475	176
TOTAL:	14,369	635	2,819	623	4,044	387	13,144	871
GRAND TOTAL:	15,004		3,442		4,431		14,015	
PLSL Supplemental Workload	562		2,379		1,796		1,145	

¹ The large number of closings during the fiscal year is attributable to an extensive 2-month Division-wide docket review of all cases and matters which led to the subsequent closing of all inactive matters.

² Includes cases handled by the Environmental Crimes Section, either solely or jointly with United States Attorneys' Offices, as well as cases handled solely by United States Attorneys' Offices that were reported to the Environmental Crimes Section.

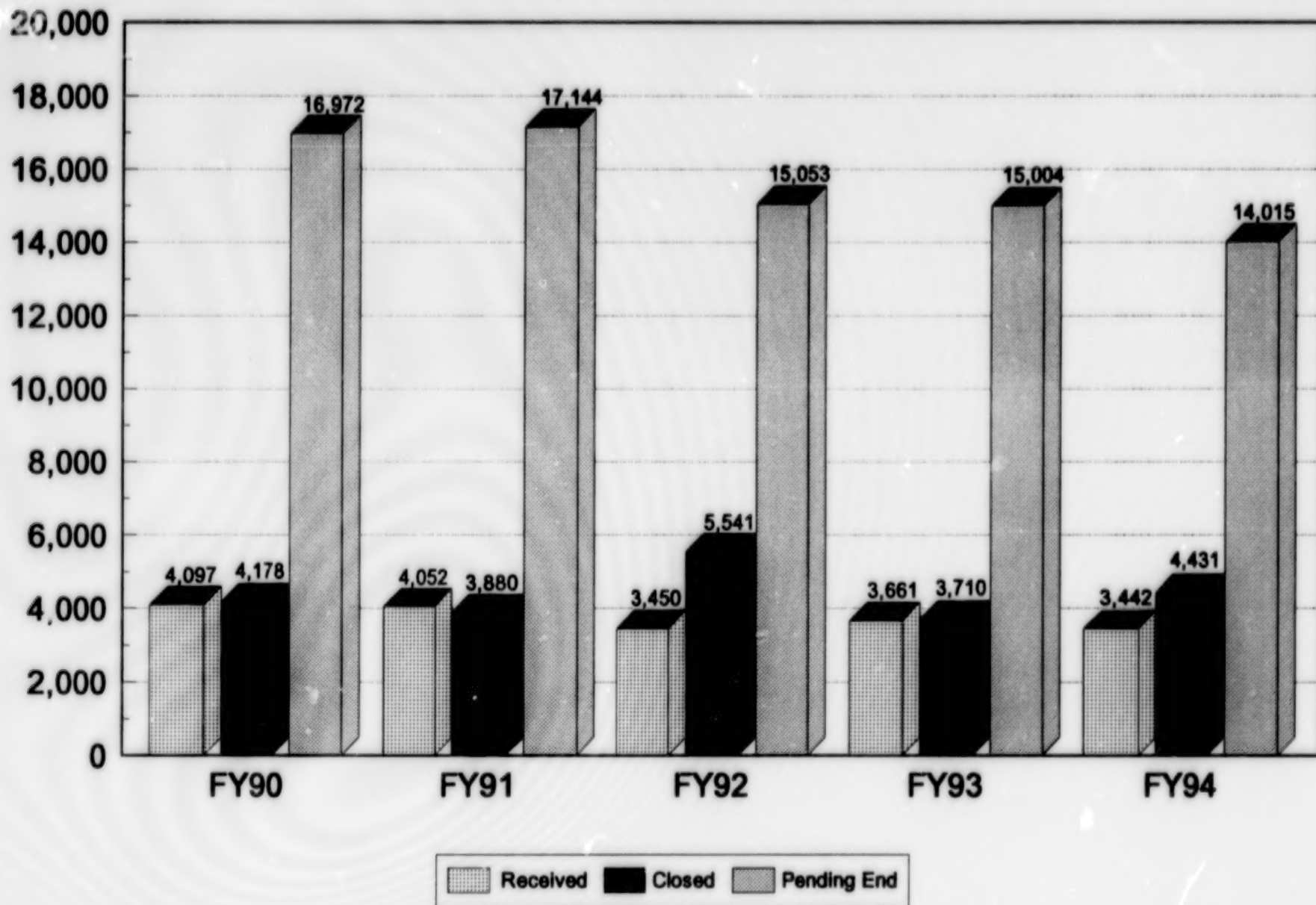
³ Includes 158 cases in bankruptcy proceedings.

NOTE: Closings reflected in this report are based on a computer closing in the LDTS system, rather than a resolution by consent decree.

FY90 - FY94
DIVISION CASES AND MATTERS RECEIVED, CLOSED AND PENDING
(Including Appeals)

	Civil	Criminal	Condemnation/ Title	Matters	Total	PLSL Supplemental Workload
FY90						
Received	2,671	377	693	356	4,097	2,489
Closed	2,484	391	824	479	4,178	2,154
Pending End	9,353	1,060	6,058	501	16,972	981
FY91						
Received	2,390	445	834	383	4,052	2,241
Closed	2,324	378	983	195	3,880	2,832
Pending End	9,419	1,127	5,909	689	17,144	390
FY92						
Received	2,025	262	616	547	3,450	2,540
Closed	3,763	280	954	544	5,541	2,427
Pending End	7,681	1,109	5,571	692	15,053	503
FY93						
Received	2,016	397	728	520	3,661	1,835
Closed	1,866	297	970	577	3,710	1,776
Pending End	7,831	1,209	5,329	635	15,004	562
FY94						
Received	1,728	368	723	623	3,442	2,379
Closed	2,189	224	1,631	387	4,431	1,796
Pending End	7,370	1,353	4,421	871	14,015	1,145

FY90-FY94
DIVISION CASES AND MATTERS RECEIVED, CLOSED AND PENDING
(Including Appeals)



FY94
DIVISION CASES AND MATTERS BY CASE TYPE
(Including Appeals and Citizen Enforcement Suits)

Case Type	Pending Begin	Received	Closed	Pending End
Civil, Affirmative	3,105	778	853	3,030
Civil, Defensive	4,726	950	1,336	4,340
Condemnation/Title	5,329	723	1,631	4,421
Criminal	1,209	368	224	1,353
Matters	635	623	387	871
TOTAL:	15,004	3,442	4,431	14,015
PLSL Supplemental Workload	562	2,379	1,796	1,145

**BLANK
PAGE**

FY90 - FY94 APPELLATE SECTION ANALYSIS

<u>Crimination Section</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
Appellate	Received	54	37	50	72	31
	Closed	53	47	72	58	60
	Pending End	202	192	170	184	155
Environmental Crimes	Received	10	12	12	14	14
	Closed	6	6	13	5	12
	Pending End	17	23	22	31	33
Environmental Defense	Received	48	36	35	34	40
	Closed	39	37	39	41	30
	Pending End	96	95	91	84	94
Environmental Enforcement	Received	20	29	23	32	20
	Closed	14	22	26	20	23
	Pending End	49	56	53	65	62
General Litigation	Received	122	117	112	116	109
	Closed	101	79	129	125	121
	Pending End	301	339	322	313	301
Indian Resources	Received	13	9	7	8	5
	Closed	8	8	9	8	3
	Pending End	31	32	30	30	32
Land Acquisition	Received	26	20	25	20	17
	Closed	19	23	30	15	22
	Pending End	38	35	30	35	30
PLSL	Received	1	2	0	0	2
	Closed	2	1	0	1	4
	Pending End	7	8	8	7	5
Wildlife	Received	24	30	28	42	49
	Closed	22	17	18	41	27
	Pending End	44	57	67	68	90
GRAND TOTAL	Received	318	292	292	338	287
	Closed	264	240	336	314	302
	Pending End	785	837	793	817	802

* Each year, the General Litigation Section has represented over 38 percent of the Division's cases that are on appeal. Original appellate actions are the next highest category.

55

FY94

DIVISION CASE FILINGS BY SECTION AND CATEGORY

SECTION/CATEGORY	CIVIL AFFIRMATIVE	CIVIL DEFENSIVE	CRIMINAL	CONDEMNATION	CITIZEN SUITS	TOTAL
<u>ENVIRONMENTAL CRIMES</u>						
CLEAN AIR	0	0	12	0	0	12
CLEAN WATER	0	0	27	0	0	27
FED LAND POLICY MGMT	0	0	1	0	0	1
FIFRA	0	0	1	0	0	1
MPRSA/OCEAN DUMPING	0	0	7	0	0	7
RCRA	0	0	18	0	0	18
SUPERFUND	0	0	33	0	0	33
TOXIC SUB CONTROL	0	0	1	0	0	1
SUBTOTAL:	0	0	100	0	0	100 ¹
<u>ENVIRONMENTAL DEFENSE</u>						
BANKRUPTCY	0	4	0	0	0	4
CLEAN AIR	0	91	0	0	0	91
CLEAN WATER	20	41	0	0	0	61
FIFRA	0	2	0	0	0	2
RCRA	0	15	0	0	0	15
RIVERS & HARBORS	2	0	0	0	0	2
SAFE DRINKING	0	7	0	0	0	7
SUBPOENA	0	1	0	0	0	1
SUPERFUND	2	49	0	0	0	51
TOXIC SUB CONTROL	0	3	0	0	0	3
UNIDENTIFIED	1	6	0	0	0	7
SUBTOTAL:	25	219	0	0	0	244
<u>ENVIRONMENTAL ENFORCEMENT</u>						
CLEAN AIR	51	0	0	0	0	51
CLEAN WATER	45	0	0	0	1	46
FIFRA	2	0	0	0	0	2
OIL POLLUTION	3	0	0	0	0	3
RCRA	17	0	0	0	0	17
SAFE DRINKING	7	0	0	0	0	7
SUPERFUND	115	0	0	0	0	115
TOXIC SUB CONTROL	5	0	0	0	0	5
SUBTOTAL:	245	0	0	0	1	246 ²
<u>GENERAL LITIGATION</u>						
ADMIN PROCEDURE	0	3	0	0	0	3
ALASKA CONSERVATION	0	1	0	0	0	1
ALASKA NATIVE CLAIMS	0	4	0	0	0	4
COASTAL ZONE MANAGEMENT	0	3	0	0	0	3
CONVEYANCE CONTRACTS	0	1	0	0	0	1
DAMAGES/TRESPASS	1	3	0	0	0	4
FED LAND POLICY MGMT	0	1	0	0	0	1
GENERAL LIT MISC	0	3	0	0	0	3
GRANTS/PATENTS	0	12	0	0	0	12
HISTORIC PRESERVATION	0	4	0	0	0	4
INDIAN GAMBLING	1	1	0	0	0	2
INDIAN/TRIBAL CLAIMS	0	24	0	0	0	24
LAND CLAIMS	0	1	0	0	0	1
MINERAL LANDS/LEASES	1	25	0	0	0	26
NAT'L FOREST MANAGEMENT	0	11	0	0	0	11
NAT'L PARKS MANAGEMENT	0	5	0	0	0	5
NEPA	1	105	0	0	0	106
OCSLA	1	1	0	0	0	2
POSSESSION	0	4	0	0	0	4
QUIET TITLE	0	14	0	0	0	14
RECLAMATION LAW	1	1	0	0	0	2

¹ The total number of criminal filings is slightly higher than reported, due to a small number of cases handled exclusively by the United States Attorneys' Offices; these cases are not recorded in the Division's case tracking system.

² Includes 34 bankruptcy cases filed in FY94.

FY94
DIVISION CASE FILINGS BY SECTION AND CATEGORY
(Continued)

SECTION/CATEGORY	CIVIL AFFIRMATIVE	CIVIL DEFENSIVE	CRIMINAL	CONDEMNATION	CITIZEN SUITS	TOTAL
<u>GENERAL LITIGATION</u> (Continued)						
RENTS/EVICTIONS	0	1	0	0	0	1
SURFACE MINING	6	12	0	0	0	18
TIMBER CONTRACTS	0	1	0	0	0	1
TORT LIABILITY	0	1	0	0	0	1
TUCKER ACT	1	80	0	0	0	81
WATER RIGHTS	3	6	0	0	0	9
WILDERNESS ACT	0	1	0	0	0	1
2410 CONDEMNATION	0	4	0	0	0	4
SUBTOTAL:	16	333	0	0	0	349
<u>INDIAN RESOURCES</u>						
DAMAGES/TRESPASS	0	1	0	0	0	1
INDIAN GAMBLING	0	1	0	0	0	1
INDIAN LAND MANAGEMENT	0	14	0	0	0	14
INDIAN TAXATION	1	1	0	0	0	2
INDIAN TRUST FUNDS	0	1	0	0	0	1
MINERAL LANDS/LEASES	0	1	0	0	0	1
SUBTOTAL:	1	19	0	0	0	20
<u>LAND ACQUISITION</u>						
EMINENT DOMAIN	0	0	0	297	0	297
SUBTOTAL:	0	0	0	297	0	297
<u>PLSL</u>						
CLEAN AIR	0	0	0	0	1	1
CLEAN WATER	0	0	0	0	8	8
SUPERFUND	0	0	0	0	15	15
SUBTOTAL:	0	0	0	0	24	24
<u>WILDLIFE & MARINE RESOURCES</u>						
BALD/GOLDEN EAGLE	0	0	1	0	0	1
ENDANGERED SPECIES	2	59	27	0	0	88
FISHERIES/MARINE RESOURCES	1	17	0	0	0	18
LACEY	0	0	22	0	0	22
MARINE MAMMAL	0	2	1	0	0	3
MIGRATORY BIRD	0	0	62	0	0	62
WILD BIRD CONSERVATION	0	1	0	0	0	1
WILDLIFE MISCELLANEOUS	1	2	19	0	0	22
SUBTOTAL:	4	81	132	0	0	217
DIVISION TOTAL:	291	652	232	297	25	1,497

FY90 - FY94

DIVISION WORKLOAD BY SECTION AND CATEGORY

("OTHER" includes categories with less than 5 cases received, closed and pending
in all 5 fiscal years and cases that are not assigned categories.)

APPELLATE SECTION

CATEGORY		FY90	FY91	FY92	FY93	FY94
ADMIN PROCEDURE	RECEIVED	5	1	1	0	1
	CLOSED	4	0	7	2	0
	PENDING END	11	12	6	4	5
ALASKA CONSERVATION	RECEIVED	0	2	2	4	1
	CLOSED	0	0	0	0	1
	PENDING END	0	2	4	8	8
CERCLA/SUPERFUND	RECEIVED	24	33	29	37	28
	CLOSED	18	19	32	21	34
	PENDING END	57	71	68	84	78
CLEAN AIR	RECEIVED	13	7	9	7	11
	CLOSED	16	15	9	4	3
	PENDING END	25	17	17	20	28
CLEAN WATER	RECEIVED	31	21	22	27	28
	CLOSED	15	17	25	26	20
	PENDING END	60	64	61	62	70
DAMAGES/TRESPASS	RECEIVED	4	6	6	2	1
	CLOSED	4	3	4	4	4
	PENDING END	7	10	12	10	7
EMINENT DOMAIN	RECEIVED	26	20	25	20	17
	CLOSED	19	23	30	15	22
	PENDING END	38	35	30	35	30
ENDANGERED SPECIES	RECEIVED	8	4	18	27	34
	CLOSED	6	4	4	21	15
	PENDING END	14	14	28	34	53
ENERGY/NUCLEAR WASTE	RECEIVED	12	13	17	20	8
	CLOSED	26	19	42	21	18
	PENDING END	97	91	66	65	55
FISHERIES/MARINE RESOURCES	RECEIVED	5	7	1	5	4
	CLOSED	1	1	6	9	2
	PENDING END	12	18	13	9	11
GENERAL LIT MISC	RECEIVED	1	0	1	0	0
	CLOSED	2	2	0	3	2
	PENDING END	9	7	8	5	3
HISTORIC PRESERVATION	RECEIVED	2	0	3	2	1
	CLOSED	0	0	1	0	1
	PENDING END	2	2	4	6	6
HOBBS ACT	RECEIVED	4	2	2	2	8
	CLOSED	1	2	0	2	2
	PENDING END	7	7	9	9	15
INDIAN GAMBLING	RECEIVED	0	0	3	3	6
	CLOSED	1	0	1	2	1
	PENDING END	1	1	3	4	9
INDIAN JURISDICTION	RECEIVED	5	3	3	2	0
	CLOSED	0	5	3	3	4
	PENDING END	14	12	12	11	7
INDIAN LAND MANAGEMENT	RECEIVED	8	3	2	5	1
	CLOSED	3	1	8	2	1
	PENDING END	11	13	7	10	10

FY90 - FY94

DIVISION WORKLOAD BY SECTION AND CATEGORY

(Continued)

APPELLATE SECTION (Continued)

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
INDIAN/TRIBAL CLAIMS	RECEIVED	17	17	11	23	4
	CLOSED	24	10	14	22	16
	PENDING END	52	59	56	57	45
LACEY ACT	RECEIVED	5	6	6	5	1
	CLOSED	7	8	5	5	3
	PENDING END	9	7	8	8	6
LAND CLAIMS	RECEIVED	1	1	0	2	1
	CLOSED	0	0	1	4	1
	PENDING END	5	6	5	3	3
MARINE MAMMAL	RECEIVED	2	1	3	8	4
	CLOSED	1	3	0	1	6
	PENDING END	4	2	5	12	10
MIGRATORY BIRD	RECEIVED	1	10	1	0	2
	CLOSED	1	0	1	8	1
	PENDING END	1	11	11	3	4
MINERAL LANDS/LEASES	RECEIVED	21	14	8	13	8
	CLOSED	8	14	21	20	15
	PENDING END	52	52	39	32	25
NAT'L FOREST MANAGEMENT	RECEIVED	7	8	10	5	15
	CLOSED	4	3	6	4	9
	PENDING END	5	10	14	15	21
NEPA	RECEIVED	45	33	39	35	34
	CLOSED	33	29	41	35	39
	PENDING END	96	100	98	98	93
NOISE CONTROL	RECEIVED	2	0	0	0	0
	CLOSED	2	2	0	1	3
	PENDING END	7	5	5	4	1
POSSESSION	RECEIVED	2	2	2	2	1
	CLOSED	1	2	6	2	1
	PENDING END	8	8	4	4	4
QUIET TITLE	RECEIVED	6	14	7	6	5
	CLOSED	9	7	13	4	10
	PENDING END	22	29	23	25	20
RCRA	RECEIVED	6	10	10	11	6
	CLOSED	4	7	8	7	12
	PENDING END	17	20	22	26	20
RECLAMATION LAW	RECEIVED	0	0	0	1	0
	CLOSED	0	6	0	0	1
	PENDING END	6	0	0	1	0
RIVERS & HARBORS	RECEIVED	8	5	3	3	2
	CLOSED	5	3	6	7	1
	PENDING END	12	14	11	7	8
SURFACE MINING	RECEIVED	8	12	13	4	9
	CLOSED	6	4	10	12	13
	PENDING END	22	30	33	25	21
TUCKER ACT	RECEIVED	15	9	9	19	21
	CLOSED	12	6	11	8	13
	PENDING END	23	26	24	35	43
WATER RIGHTS	RECEIVED	6	11	9	9	6
	CLOSED	7	5	8	11	8
	PENDING END	26	32	33	31	29

FY90 - FY94

DIVISION WORKLOAD BY SECTION AND CATEGORY

(Continued)

APPELLATE SECTION (Continued)

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
WILDLIFE MISCELLANEOUS	RECEIVED	3	2	0	3	3
	CLOSED	5	2	2	2	1
	PENDING END	5	5	3	4	6
OTHER	RECEIVED	15	15	17	26	16
	CLOSED	19	18	11	26	19
	PENDING END	48	45	51	51	48
TOTAL	RECEIVED	318	292	292	338	287
	CLOSED	264	240	336	314	302
	PENDING END	785	837	793	817	802

ENVIRONMENTAL CRIMES SECTION *

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
CERCLA/SUPERFUND	RECEIVED	15	46	19	21	8
	CLOSED	19	43	32	23	9
	PENDING END	69	72	59	57	56
CLEAN AIR	RECEIVED	6	10	3	12	8
	CLOSED	6	11	3	2	8
	PENDING END	14	13	13	23	23
CLEAN WATER	RECEIVED	42	72	42	41	38
	CLOSED	22	37	31	39	27
	PENDING END	66	101	112	114	125
FBI CRIMINAL MATTERS	RECEIVED	9	0	0	0	0
	CLOSED	24	30	7	9	0
	PENDING END	48	18	11	2	2
FIFRA	RECEIVED	1	3	4	4	4
	CLOSED	1	0	2	5	1
	PENDING END	4	7	9	8	11
RCRA	RECEIVED	36	76	41	44	43
	CLOSED	15	33	32	24	33
	PENDING END	43	86	95	115	125
SAFE DRINKING	RECEIVED	3	3	1	3	2
	CLOSED	1	2	3	0	1
	PENDING END	4	5	3	6	7
TOXIC SUB CONTROL	RECEIVED	2	7	2	3	3
	CLOSED	3	2	5	1	4
	PENDING END	3	8	5	7	6
OTHER	RECEIVED	3	2	6	4	5
	CLOSED	1	5	1	3	4
	PENDING END	7	4	9	10	11
TOTAL	RECEIVED	117	219	118	132	111
	CLOSED	92	163	116	106	87
	PENDING END	258	314	316	342	366

ENVIRONMENTAL DEFENSE SECTION

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
CERCLA/SUPERFUND	RECEIVED	129	137	146	144	158
	CLOSED	73	59	91	41	50
	PENDING END	353	431	486	589	597

*Includes cases handled by the Environmental Crimes Section, either solely or jointly with United States Attorneys' Offices, as well as cases handled solely by United States Attorneys' Offices that were reported to the Environmental Crimes Section.

FY90 - FY94

DIVISION WORKLOAD BY SECTION AND CATEGORY

(Continued)

ENVIRONMENTAL DEFENSE SECTION (Continued)

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
CLEAN AIR	RECEIVED	72	50	128	101	108
	CLOSED	59	56	129	50	92
	PENDING END	326	320	319	370	386
CLEAN WATER	RECEIVED	147	145	135	142	131
	CLOSED	87	124	236	84	64
	PENDING END	561	582	481	539	606
ENERGY/NUCLEAR WASTE	RECEIVED	0	0	6	4	0
	CLOSED	1	1	3	1	1
	PENDING END	5	4	7	10	9
FIFRA	RECEIVED	421	192	83	101	8
	CLOSED	8	381	355	125	2
	PENDING END	539	350	78	54	60
NPRSA/OCEAN DUMPING	RECEIVED	0	0	0	1	0
	CLOSED	0	2	9	0	0
	PENDING END	11	9	0	1	1
NOISE CONTROL	RECEIVED	1	0	0	0	0
	CLOSED	2	2	3	0	0
	PENDING END	6	4	1	1	1
RCRA	RECEIVED	106	47	69	47	36
	CLOSED	48	84	121	53	38
	PENDING END	351	314	262	256	254
RIVERS & HARBORS	RECEIVED	33	0	6	5	2
	CLOSED	57	57	58	10	3
	PENDING END	141	84	32	27	26
SAFE DRINKING	RECEIVED	9	20	16	7	11
	CLOSED	7	6	14	4	5
	PENDING END	24	38	40	43	49
SUBPOENA	RECEIVED	3	0	2	4	6
	CLOSED	4	1	0	1	1
	PENDING END	1	0	2	5	10
TOXIC SUB CONTROL	RECEIVED	10	4	6	2	7
	CLOSED	7	12	4	5	7
	PENDING END	39	31	33	30	30
OTHER	RECEIVED	0	0	0	0	12
	CLOSED	0	2	1	0	1
	PENDING END	3	1	0	0	11
TOTAL	RECEIVED	931	595	597	558	479
	CLOSED	353	787	1,024	374	264
	PENDING END	2,360	2,168	1,741	1,925	2,140

ENVIRONMENTAL ENFORCEMENT SECTION

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
CERCLA/SUPERFUND	RECEIVED	215	280	241	202	238
	CLOSED	138	192	151	141	193
	PENDING END	766	854	944	1,005	1,050
CLEAN AIR	RECEIVED	119	116	92	63	87
	CLOSED	163	220	68	77	109
	PENDING END	465	361	385	371	349

FY90 - FY94

DIVISION WORKLOAD BY SECTION AND CATEGORY

(Continued)

ENVIRONMENTAL ENFORCEMENT SECTION (Continued)

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
CLEAN WATER	RECEIVED	72	83	57	56	58
	CLOSED	175	141	54	48	59
	PENDING END	349	291	294	302	301
FIFRA	RECEIVED	4	2	0	8	2
	CLOSED	9	12	0	0	1
	PENDING END	21	11	11	19	20
NPRSA/OCEAN DUMPING	RECEIVED	8	0	3	1	0
	CLOSED	1	8	1	0	0
	PENDING END	12	4	6	7	7
OIL POLLUTION	RECEIVED	0	3	3	3	4
	CLOSED	0	0	1	0	2
	PENDING END	0	3	5	8	10
RCRA	RECEIVED	21	44	36	28	29
	CLOSED	49	40	22	23	19
	PENDING END	129	133	147	152	162
SAFE DRINKING	RECEIVED	15	7	10	19	15
	CLOSED	15	15	5	3	16
	PENDING END	37	29	34	50	49
TOXIC SUB CONTROL	RECEIVED	5	11	3	6	6
	CLOSED	10	17	8	4	9
	PENDING END	31	25	20	22	19
OTHER	RECEIVED	0	2	0	0	0
	CLOSED	1	2	1	0	0
	PENDING END	2	2	1	1	1
TOTAL	RECEIVED	459	548	445	386	439
	CLOSED	561	647	311	296	408
	PENDING END	1,812	1,713	1,847	1,937	1,968

GENERAL LITIGATION SECTION

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
ACCOUNTING	RECEIVED	1	0	1	0	0
	CLOSED	0	0	0	2	3
	PENDING END	15	15	16	14	11
ALASKA CONSERVATION	RECEIVED	5	5	5	11	2
	CLOSED	2	2	1	2	3
	PENDING END	8	11	15	24	23
ALASKA NATIVE CLAIMS	RECEIVED	0	2	2	4	5
	CLOSED	1	1	1	2	2
	PENDING END	5	6	7	9	12
CONVEYANCE CONTRACTS	RECEIVED	3	1	4	4	1
	CLOSED	2	0	0	5	5
	PENDING END	7	8	12	11	7
CORPS-NAVIGABLE WATERS	RECEIVED	3	0	0	2	0
	CLOSED	1	1	1	2	1
	PENDING END	8	7	6	6	5
DAMAGES/TRESPASS	RECEIVED	14	10	7	7	8
	CLOSED	20	6	782	16	48
	PENDING END	872	876	101	92	52

FY90 - FY94

DIVISION WORKLOAD BY SECTION AND CATEGORY

(Continued)

GENERAL LITIGATION SECTION (Continued)

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
DESCENT & DISTRIBUTION	RECEIVED	0	2	2	0	0
	CLOSED	0	1	1	0	3
	PENDING END	6	7	8	8	5
ENERGY/NUCLEAR WASTE	RECEIVED	0	1	0	0	0
	CLOSED	1	5	1	1	0
	PENDING END	7	3	2	1	1
FED LAND POLICY MGMT	RECEIVED	1	1	2	1	1
	CLOSED	0	0	0	1	4
	PENDING END	3	4	6	6	3
GENERAL LIT MISC	RECEIVED	23	25	10	5	2
	CLOSED	11	12	42	20	96
	PENDING END	174	187	155	140	46
GRANTS/PATENTS	RECEIVED	2	1	3	2	10
	CLOSED	16	1	0	3	5
	PENDING END	13	13	16	15	20
GRAZING RIGHTS/PERMITS	RECEIVED	1	1	3	6	1
	CLOSED	1	2	0	1	2
	PENDING END	6	5	8	13	12
HISTORIC PRESERVATION	RECEIVED	2	6	2	7	5
	CLOSED	1	6	1	2	5
	PENDING END	8	8	9	14	14
INDIAN GAMBLING	RECEIVED	0	0	7	3	1
	CLOSED	0	0	0	1	1
	PENDING END	0	0	7	9	9
INDIAN/TRIBAL CLAIMS	RECEIVED	36	37	33	36	26
	CLOSED	29	32	68	35	105
	PENDING END	268	273	238	239	160
MINERAL LANDS/LEASES	RECEIVED	34	34	31	35	30
	CLOSED	38	24	48	42	55
	PENDING END	181	191	174	167	142
NAT'L FOREST MANAGEMENT	RECEIVED	25	24	16	18	13
	CLOSED	4	1	8	8	17
	PENDING END	36	59	67	77	73
NAT'L PARKS MANAGEMENT	RECEIVED	2	0	0	7	5
	CLOSED	4	4	1	5	4
	PENDING END	13	9	8	10	11
NEPA	RECEIVED	75	82	69	80	113
	CLOSED	40	58	101	81	125
	PENDING END	364	388	356	355	343
OCSLA	RECEIVED	0	0	5	2	3
	CLOSED	0	1	0	4	1
	PENDING END	4	3	8	6	8
POSSESSION	RECEIVED	0	6	4	8	4
	CLOSED	2	1	8	11	4
	PENDING END	26	31	27	24	24
QUIET TITLE	RECEIVED	54	60	46	7	18
	CLOSED	27	34	55	44	135
	PENDING END	281	307	298	261	144
RECLAMATION LAW	RECEIVED	1	2	0	0	2
	CLOSED	0	5	2	3	0
	PENDING END	10	7	5	2	4

FY90 - FY94

DIVISION WORKLOAD BY SECTION AND CATEGORY

(Continued)

GENERAL LITIGATION SECTION (Continued)

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
RENTS/EVICTIONS	RECEIVED	1	2	2	0	3
	CLOSED	4	1	3	6	11
	PENDING END	18	19	18	12	4
SURFACE MINING	RECEIVED	279	278	147	182	126
	CLOSED	295	265	151	255	395
	PENDING END	560	573	569	496	227
TIMBER CONTRACTS	RECEIVED	0	0	0	0	1
	CLOSED	3	0	1	0	5
	PENDING END	6	6	5	5	1
TORT LIABILITY	RECEIVED	3	0	0	0	1
	CLOSED	0	0	1	0	1
	PENDING END	7	7	6	6	6
TUCKER ACT	RECEIVED	28	39	73	84	84
	CLOSED	52	33	33	28	61
	PENDING END	187	193	233	289	312
UNIFORM RELOCATION ACT	RECEIVED	1	1	1	0	0
	CLOSED	1	1	2	1	3
	PENDING END	6	6	5	4	1
WATER RIGHTS	RECEIVED	20	14	22	33	25
	CLOSED	7	10	61	31	42
	PENDING END	205	209	170	172	155
2410 CONDEMNATION	RECEIVED	216	150	56	0	4
	CLOSED	572	47	429	4	7
	PENDING END	287	390	17	13	10
OTHER	RECEIVED	7	3	2	9	5
	CLOSED	6	3	5	5	12
	PENDING END	25	25	22	26	19
TOTAL	RECEIVED	837	787	555	553	499
	CLOSED	1,140	557	1,807	621	1,161
	PENDING END	3,616	3,846	2,594	2,526	1,864

INDIAN RESOURCES SECTION

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
INDIAN GAMBLING	RECEIVED	0	0	3	4	2
	CLOSED	1	0	1	1	0
	PENDING END	1	1	3	6	8
INDIAN JURISDICTION	RECEIVED	3	4	0	2	1
	CLOSED	6	0	3	0	4
	PENDING END	21	25	22	24	21
INDIAN LAND MANAGEMENT	RECEIVED	11	25	9	61	21
	CLOSED	82	1	145	95	27
	PENDING END	329	353	217	183	177
INDIAN/TRIBAL CLAIMS	RECEIVED	17	5	2	1	2
	CLOSED	16	7	4	2	6
	PENDING END	32	30	28	27	23
MINERAL LANDS/LEASES	RECEIVED	1	4	0	2	1
	CLOSED	0	2	0	0	1
	PENDING END	3	5	5	7	7
WATER RIGHTS	RECEIVED	5	0	5	1	2
	CLOSED	1	0	3	0	11
	PENDING END	60	60	62	63	54

FY90 - FY94

DIVISION WORKLOAD BY SECTION AND CATEGORY

(Continued)

INDIAN RESOURCES (Continued)

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
OTHER	RECEIVED	3	0	0	6	7
	CLOSED	6	0	3	0	0
	PENDING END	5	5	2	8	15
TOTAL	RECEIVED	40	38	19	77	36
	CLOSED	112	10	159	98	49
	PENDING END	451	479	339	318	305

LAND ACQUISITION SECTION

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
DIRECT PURCHASE	RECEIVED	117	317	81	94	286
	CLOSED	180	205	94	116	87
	PENDING END	445	557	544	522	721
EMINENT DOMAIN	RECEIVED	550	497	510	614	420
	CLOSED	625	755	830	839	1,522
	PENDING END	5,575	5,317	4,997	4,772	3,670
TOTAL	RECEIVED	667	814	591	708	706
	CLOSED	805	960	924	955	1,609
	PENDING END	6,020	5,874	5,541	5,294	4,391

PLSL SECTION

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
CERCLA/SUPERFUND	RECEIVED	0	10	3	25	23
	CLOSED	3	10	1	27	1
	PENDING END	6	6	8	6	28
CLEAN WATER	RECEIVED	39	34	46	42	45
	CLOSED	32	37	56	53	3
	PENDING END	62	59	49	38	80
CONGRESSIONAL ISSUES	RECEIVED	2	1	2	0	0
	CLOSED	33	2	0	3	0
	PENDING END	6	5	7	4	4
ENERGY/NUCLEAR WASTE	RECEIVED	3	0	2	1	0
	CLOSED	0	0	0	1	0
	PENDING END	4	4	6	6	6
FOIA	RECEIVED	157	164	234	225	156
	CLOSED	180	50	345	346	158
	PENDING END	277	391	280	159	157
INTERNATIONAL ISSUES	RECEIVED	17	12	9	6	8
	CLOSED	0	0	1	9	2
	PENDING END	21	33	41	38	44
LEGISLATIVE PROJECTS	RECEIVED	14	14	11	7	4
	CLOSED	110	10	6	26	6
	PENDING END	59	63	68	49	47
POLICY ISSUES	RECEIVED	39	42	31	43	40
	CLOSED	27	6	12	70	1
	PENDING END	78	114	133	106	145
RCRA	RECEIVED	0	0	2	3	0
	CLOSED	0	0	0	1	0
	PENDING END	8	8	10	12	12

FY90 - FY94

DIVISION WORKLOAD BY SECTION AND CATEGORY

(Continued)

PLSL SECTION (Continued)

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
OTHER	RECEIVED	1	0	5	1	2
	CLOSED	2	0	2	4	1
	PENDING END	4	4	7	4	5
TOTAL	RECEIVED	272	277	345	353	278
	CLOSED	387	115	423	540	172
	PENDING END	525	687	609	422	528
<u>PLSL SUPPLEMENTAL WORKLOAD</u>	RECEIVED	2,489	2,241	2,540	1,835	2,379
	CLOSED	2,154	2,832	2,427	1,776	1,796
	PENDING END	981	390	503	562	1,145

WILDLIFE AND MARINE RESOURCES SECTION

<u>CATEGORY</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
BALD/GOLDEN EAGLE	RECEIVED	28	1	0	3	6
	CLOSED	8	4	2	25	6
	PENDING END	38	35	33	11	11
ENDANGERED SPECIES	RECEIVED	204	134	162	204	229
	CLOSED	76	116	76	129	119
	PENDING END	444	462	548	623	733
FISHERIES/MARINE RESOURCES	RECEIVED	28	26	32	35	28
	CLOSED	19	15	44	26	17
	PENDING END	120	131	119	128	139
LACEY ACT	RECEIVED	45	97	56	134	95
	CLOSED	52	101	59	75	50
	PENDING END	256	252	249	308	353
LEGISLATIVE PROJECTS	RECEIVED	115	140	180	94	139
	CLOSED	121	120	174	102	119
	PENDING END	13	33	39	31	51
MARINE MAMMAL	RECEIVED	8	44	28	8	5
	CLOSED	28	21	11	31	14
	PENDING END	77	100	117	94	85
MIGRATORY BIRD	RECEIVED	7	15	15	42	87
	CLOSED	151	14	56	6	40
	PENDING END	138	139	98	134	181
WILDLIFE MISCELLANEOUS	RECEIVED	20	23	14	35	16
	CLOSED	6	8	17	8	10
	PENDING END	50	65	62	89	95
OTHER	RECEIVED	1	2	1	1	2
	CLOSED	3	2	2	4	4
	PENDING END	9	9	8	5	3
TOTAL	RECEIVED	456	482	488	556	607
	CLOSED	464	401	441	406	379
	PENDING END	1,145	1,226	1,273	1,423	1,651
GRAND TOTALS	RECEIVED	4,097	4,052	3,450	3,661	3,442
	CLOSED	4,178	3,880	5,541	3,710	4,431
	PENDING END	16,972	17,144	15,053	15,004	14,015

FY94 DIVISION CIVIL, CRIMINAL AND CONDEMNATION CASES BY JUDICIAL DISTRICT/COURT

(Excluding Cases in the Appellate Section and Division Matters)

District	Civil				Criminal				Condemnation				Total			
	Pend Begin	Received	Closed	Pend End	Pend Begin	Received	Closed	Pend End	Pend Begin	Received	Closed	Pend End	Pend Begin	Received	Closed	Pend End
ALABAMA, MIDDLE	10	0	4	6	3	1	1	3	4	0	0	4	17	1	5	13
ALABAMA, NORTHERN	43	10	20	33	6	3	2	7	17	24	1	40	66	37	23	80
ALABAMA, SOUTHERN	16	4	8	12	5	1	0	6	12	2	1	13	33	7	9	31
ALASKA	204	26	39	191	155	6	6	155	7	2	1	8	366	34	46	354
ARIZONA	222	49	45	226	32	3	4	31	456	59	74	441	710	111	123	698
ARKANSAS, EASTERN	42	8	13	37	1	0	0	1	47	0	21	26	90	8	34	64
ARKANSAS, WESTERN	27	1	13	15	5	0	1	4	59	0	6	53	91	1	20	72
CALIFORNIA, CENTRAL	160	46	32	174	98	4	4	98	45	1	6	40	303	51	42	312
CALIFORNIA, EASTERN	170	26	38	158	18	5	0	23	93	4	27	70	281	35	65	251
CALIFORNIA, NORTHERN	144	33	36	141	9	11	3	17	118	4	23	99	271	48	62	257
CALIFORNIA, SOUTHERN	51	16	13	54	18	3	3	18	19	7	7	19	88	26	23	91
COLORADO	214	38	73	179	30	2	3	29	39	2	15	26	283	42	91	234
CONNECTICUT	52	12	13	51	8	3	0	11	22	5	3	24	82	20	16	86
DELAWARE	31	10	15	26	0	1	0	1	8	0	4	4	39	11	19	31
DISTRICT OF COLUMBIA	316	70	74	312	3	1	1	3	50	18	7	61	369	89	82	376
FLORIDA, MIDDLE	71	13	12	72	14	1	1	14	49	12	20	41	134	26	33	127
FLORIDA, NORTHERN	31	5	5	31	28	0	1	27	12	1	2	11	71	6	8	69
FLORIDA, SOUTHERN	94	24	19	99	40	7	4	43	52	38	14	76	186	69	37	218
GEORGIA, MIDDLE	17	2	5	14	6	2	4	4	18	0	7	11	41	4	16	29
GEORGIA, NORTHERN	27	5	6	26	17	63	0	80	11	4	2	13	55	72	8	119
GEORGIA, SOUTHERN	13	0	7	6	16	49	6	59	13	0	12	1	42	49	25	66
GUAM	32	4	20	16	4	1	2	3	12	0	5	7	48	5	27	26
HAWAII	29	4	16	17	12	4	1	15	10	0	3	7	51	8	20	39
IDAHO	91	16	28	79	8	1	5	4	16	0	2	14	115	17	35	97
ILLINOIS, CENTRAL	8	4	1	11	4	1	0	5	6	0	0	6	18	5	1	22
ILLINOIS, NORTHERN	77	20	11	86	9	1	2	8	20	0	1	19	106	21	14	113
ILLINOIS, SOUTHERN	30	8	11	27	1	1	0	2	27	98	13	112	58	107	24	141
INDIANA, NORTHERN	78	20	10	88	4	1	0	5	39	7	6	40	121	28	16	133
INDIANA, SOUTHERN	63	10	25	48	3	0	0	3	68	0	10	58	134	10	35	109
IOWA, NORTHERN	10	2	3	9	0	0	0	0	6	1	3	4	16	3	6	13
IOWA, SOUTHERN	25	4	8	21	1	0	0	1	45	4	15	34	71	8	23	56
KANSAS	43	13	26	30	1	5	2	4	11	2	1	12	55	20	29	46
KENTUCKY, EASTERN	164	40	106	98	5	2	1	6	348	26	94	280	517	68	201	384
KENTUCKY, WESTERN	49	10	21	38	12	2	1	13	193	0	169	24	254	12	191	75
LOUISIANA, EASTERN	68	10	9	69	7	1	0	8	20	0	4	16	95	11	13	93

BEST COPY AVAILABLE

FY94 DIVISION CIVIL, CRIMINAL AND CONDEMNATION CASES BY JUDICIAL DISTRICT/COURT

(Excluding Cases in the Appellate Section and Division Matters)
(Continued)

District	Civil				Criminal				Condemnation				Total			
	Pend Begin	Received	Closed	Pend End	Pend Begin	Received	Closed	Pend End	Pend Begin	Received	Closed	Pend End	Pend Begin	Received	Closed	Pend End
LOUISIANA, MIDDLE	18	4	3	19	4	0	0	4	75	1	18	58	97	5	21	81
LOUISIANA, WESTERN	35	10	5	40	8	1	2	7	102	0	4	98	145	11	11	145
MAINE	25	9	11	23	4	0	0	4	52	2	0	54	81	11	11	81
MARYLAND	59	10	13	56	8	3	0	11	142	11	22	131	209	24	35	198
MASSACHUSETTS	143	22	29	136	7	1	0	8	100	12	52	60	250	35	81	204
MICHIGAN, EASTERN	86	20	13	93	5	1	1	5	63	15	10	68	154	36	24	166
MICHIGAN, WESTERN	84	19	13	90	2	1	1	2	27	0	6	21	113	20	20	113
MINNESOTA	72	11	20	63	6	3	0	9	62	11	55	18	140	25	75	90
MISSISSIPPI, NORTHERN	16	6	10	12	2	1	1	2	53	6	28	31	71	13	39	45
MISSISSIPPI, SOUTHERN	33	3	9	27	11	14	12	13	36	30	41	25	80	47	62	65
MISSOURI, EASTERN	34	4	6	32	7	1	2	6	23	61	5	79	64	66	13	117
MISSOURI, WESTERN	28	3	12	19	2	6	7	1	78	4	53	29	108	13	72	49
MONTANA	164	24	72	116	28	2	5	25	29	8	16	21	221	34	93	162
NORTH CAROLINA, EASTERN	34	4	9	29	71	4	1	74	124	2	37	89	229	10	47	192
NORTH CAROLINA, MIDDLE	23	4	6	21	1	10	0	11	14	1	8	7	38	15	14	39
NORTH CAROLINA, WESTERN	14	3	5	12	11	2	1	12	5	0	5	0	30	5	11	24
NEBRASKA	22	5	4	23	1	1	1	1	14	3	4	13	37	9	9	37
NEVADA	100	32	23	109	18	3	7	14	27	1	5	23	145	36	35	146
NEW HAMPSHIRE	40	7	5	42	4	0	0	4	25	0	4	21	69	7	9	67
NEW JERSEY	177	41	22	196	7	0	0	7	85	4	6	83	269	45	28	286
NEW MEXICO	148	31	39	140	4	0	1	3	79	18	33	64	231	49	73	207
NEW YORK, EASTERN	50	12	9	53	12	3	1	14	21	0	17	4	83	15	27	71
NEW YORK, NORTHERN	59	12	9	62	10	2	0	12	17	1	6	12	86	15	15	86
NEW YORK, SOUTHERN	79	19	13	85	6	3	0	9	38	2	8	32	123	24	21	126
NEW YORK, WESTERN	45	22	7	60	4	0	0	4	53	2	2	53	102	24	9	117
NORTH DAKOTA	38	3	14	27	6	0	2	4	18	2	11	9	62	5	27	40
NORTHERN MARIANA	0	0	0	0	1	0	0	1	0	0	0	0	1	0	0	1
OHIO, NORTHERN	107	21	19	109	12	3	7	8	66	11	4	73	185	35	30	190
OHIO, SOUTHERN	66	19	25	60	6	0	0	6	67	4	5	66	139	23	30	132
OKLAHOMA, EASTERN	39	2	16	25	2	0	1	1	93	1	39	55	134	3	56	81
OKLAHOMA, NORTHERN	67	6	16	57	1	0	1	0	65	1	35	31	133	7	52	88
OKLAHOMA, WESTERN	95	15	26	84	3	1	0	4	78	2	48	32	176	18	74	120
OREGON	165	34	44	155	2	4	2	4	24	2	15	11	191	40	61	170

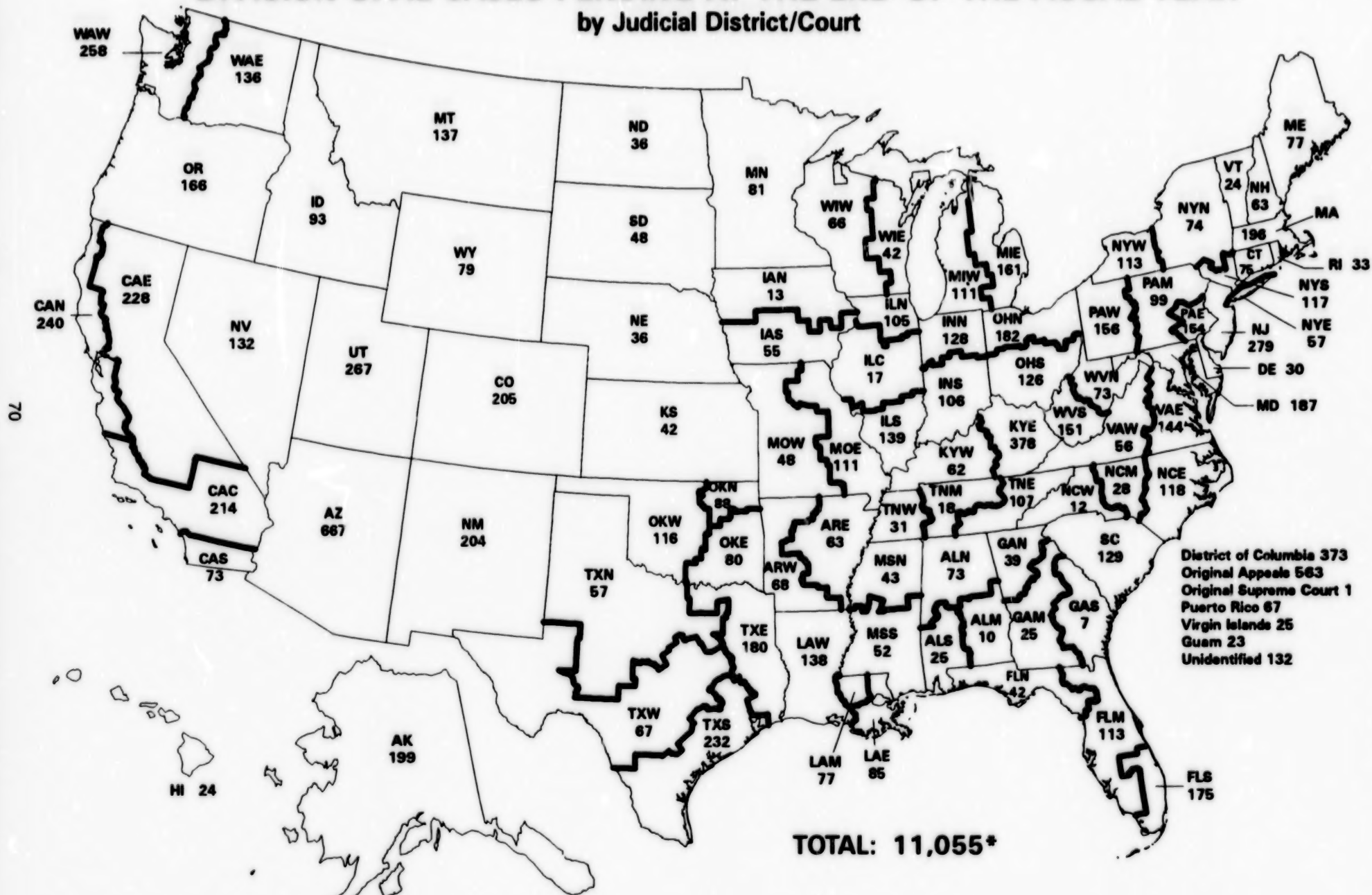
FY94 DIVISION CIVIL, CRIMINAL AND CONDEMNATION CASES BY JUDICIAL DISTRICT/COURT

(Excluding Cases in the Appellate Section and Division Matters)
(Continued)

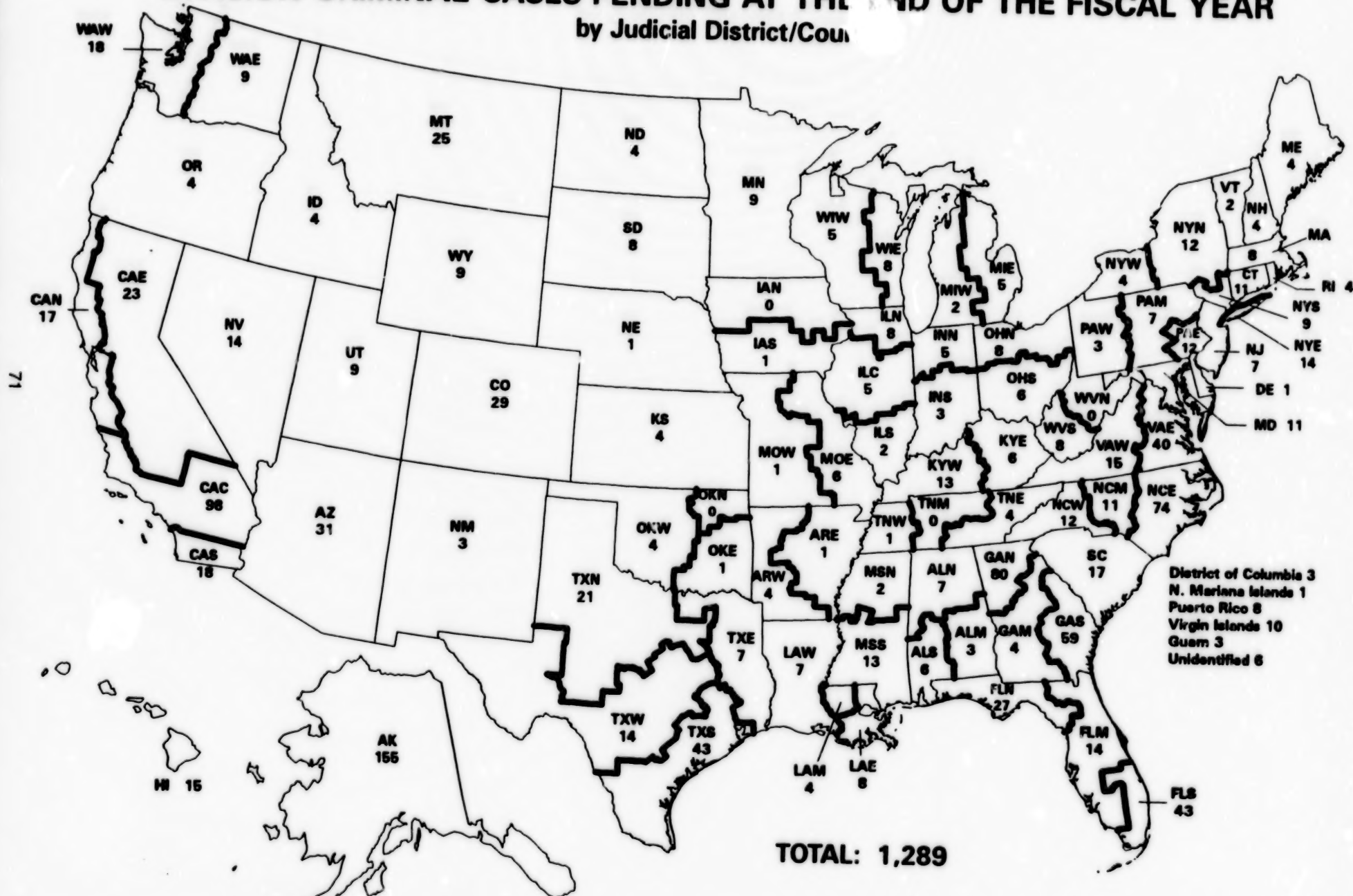
District	Civil				Criminal				Condemnation				Total			
	Pend Begin	Received	Closed	Pend End	Pend Begin	Received	Closed	Pend End	Pend Begin	Received	Closed	Pend End	Pend Begin	Received	Closed	Pend End
ORIGINAL APPEAL	529	115	81	563	0	0	0	0	0	0	0	0	529	115	81	563
PENNSYLVANIA, EASTERN	158	29	45	142	16	5	9	12	13	1	2	12	187	35	56	166
PENNSYLVANIA, MIDDLE	68	9	11	66	6	2	1	7	32	3	2	33	106	14	14	106
PENNSYLVANIA, WESTERN	101	17	50	68	3	0	0	3	129	7	48	88	233	24	98	159
PUERTO RICO	60	12	8	64	6	2	0	8	3	0	0	3	69	14	8	75
RHODE ISLAND	26	11	5	32	3	1	0	4	0	1	0	1	29	13	5	37
SOUTH CAROLINA	55	40	10	85	11	6	0	17	114	4	74	44	180	50	84	146
SOUTH DAKOTA	48	6	17	37	8	0	0	8	18	2	9	11	74	8	26	56
SUPREME CT ORIG	2	0	1	1	0	0	0	0	0	0	0	0	2	0	1	1
TENNESSEE, EASTERN	119	28	83	64	6	1	3	4	45	1	3	43	170	30	89	111
TENNESSEE, MIDDLE	16	6	12	10	1	0	1	0	17	0	9	8	34	6	22	18
TENNESSEE, WESTERN	18	2	4	16	0	1	0	1	15	2	2	15	33	5	6	32
TEXAS, EASTERN	24	4	10	18	21	0	14	7	227	1	66	162	272	5	90	187
TEXAS, NORTHERN	47	6	12	41	12	12	3	21	25	3	12	16	84	21	27	78
TEXAS, SOUTHERN	109	16	20	105	57	10	24	43	144	12	29	127	310	38	73	275
TEXAS, WESTERN	35	10	8	37	16	3	5	14	38	4	12	30	89	17	25	81
UTAH	78	24	22	80	7	6	4	9	178	16	7	187	263	46	33	276
VERMONT	19	2	3	18	1	1	0	2	9	0	3	6	29	3	6	26
VIRGIN ISLANDS	15	1	2	14	10	0	0	10	11	0	0	11	36	1	2	35
VIRGINIA, EASTERN	51	10	13	48	35	5	0	40	106	3	13	96	192	18	26	184
VIRGINIA, WESTERN	62	20	53	29	12	3	0	15	24	6	3	27	98	29	56	71
WASHINGTON, EASTERN	55	13	11	57	4	5	0	9	10	73	4	79	69	91	15	145
WASHINGTON, WESTERN	169	43	25	187	25	6	13	18	78	4	11	71	272	53	49	276
WEST VIRGINIA, NORTHERN	47	17	20	44	0	0	0	0	115	5	91	29	162	22	111	73
WEST VIRGINIA, SOUTHERN	33	16	24	25	9	1	2	8	147	7	28	126	189	24	54	159
WISCONSIN, EASTERN	43	5	7	41	6	4	2	8	1	0	0	1	50	9	9	50
WISCONSIN, WESTERN	24	7	7	24	1	4	0	5	30	12	0	42	55	23	7	71
WYOMING	55	7	21	41	14	4	9	9	38	0	0	38	107	11	30	88
UNIDENTIFIED	156	10	34	132	4	3	1	6	0	0	0	0	160	13	35	138
TOTAL	7,109	1,486	1,931	6,664	1,153	341	205	1,289	5,294	706	1,609	4,391	13,556	2,533	3,745	12,344*

* Includes 299 Court of Federal Claims cases assigned to General Litigation that are classified under specific judicial districts.

FY94 DIVISION CIVIL CASES PENDING AT THE END OF THE FISCAL YEAR by Judicial District/Court



FY94 DIVISION CRIMINAL CASES PENDING AT THE END OF THE FISCAL YEAR by Judicial District/Court



FY94
DIVISION CASES AND MATTERS BY CLIENT AGENCY
(Including Appeals)

AGENCY	PENDING BEGIN	RECEIVED	CLOSED	PENDING END
AGRICULTURE	529	142	188	483
AIR FORCE	441	17	59	399
ARMY	2,578	329	991	1,916
COMMERCE	409	116	67	458
DEFENSE	106	47	16	137
ENERGY	467	31	79	419
ENVIRON PROTECTION AGENCY	3,537	825	724	3,638
EXEC OFFICE OF THE PRESIDENT	6	4	0	10
FED DEPOSIT INSURANCE CORP	11	0	1	10
FED EMERGENCY MGMT AGENCY	235	218	28	425
GENERAL SERVICES ADMIN	228	36	40	224
HEALTH & HUMAN SERVICES	26	5	9	22
HOUSING & URBAN DEVELOPMENT	38	1	27	12
INTERIOR	4,359	1,000	1,522	3,837
INTERSTATE COMMERCE COMM	10	11	4	17
JUSTICE	588	427	278	737
NAT'L AERO & SPACE ADMIN	22	3	6	19
NAVY	423	34	98	359
NUCLEAR REGULATORY COMM	60	3	18	45
PA AVE DEVELOPMENT CORP	23	2	3	22
POSTAL SERVICE	87	8	29	66
SMALL BUSINESS ADMIN	21	0	14	7
STATE	48	1	12	37
TRANSPORTATION	379	49	100	328
TREASURY	10	4	2	12
VETERANS AFFAIRS	85	23	12	96
WASH MET AREA TRANSIT AUTH	140	18	19	139
OTHER*	138	88	85	141
TOTAL:	15,004	3,442	4,431	14,015

- * Includes some legislative, congressional and policy issues, and FOIA requests where there is no client agency assigned, as well as instances where the agency's beginning and ending figures include less than 10 cases.

FY90 - FY94

DIVISION STATISTICS BY SECTION AND ASSIGNMENT TYPE

APPELLATE SECTION

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
JOINT	RECEIVED	2	3	9	16	16
	CLOSED	0	3	4	4	7
	PENDING END	4	4	9	21	30
STAFF	RECEIVED	316	289	283	322	271
	CLOSED	264	237	332	310	295
	PENDING END	781	833	784	796	772
TOTAL	RECEIVED	318	292	292	338	287
	CLOSED	264	240	336	314	302
	PENDING END	785	837	793	817	802

ENVIRONMENTAL CRIMES SECTION

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
FIELD*	RECEIVED	46	121	64	75	62
	CLOSED	20	58	57	54	54
	PENDING END	89	152	159	180	188
JOINT	RECEIVED	43	68	41	49	40
	CLOSED	31	55	40	31	28
	PENDING END	92	105	106	124	136
LOW-MONITOR	RECEIVED	0	1	0	0	0
	CLOSED	3	1	0	0	0
	PENDING END	0	0	0	0	0
STAFF	RECEIVED	28	29	13	8	9
	CLOSED	38	49	19	21	5
	PENDING END	77	57	51	38	42
TOTAL	RECEIVED	117	219	118	132	111
	CLOSED	92	163	116	106	87
	PENDING END	258	314	316	342	366

ENVIRONMENTAL DEFENSE SECTION

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
COORDINATED	RECEIVED	3	0	6	6	6
	CLOSED	0	1	1	1	1
	PENDING END	4	3	8	13	18
DIRECT	RECEIVED	0	0	12	15	19
	CLOSED	0	0	0	4	0
	PENDING END	0	0	12	23	42
FIELD	RECEIVED	15	20	6	4	2
	CLOSED	39	29	51	6	9
	PENDING END	134	125	80	78	71
JOINT	RECEIVED	4	7	22	8	11
	CLOSED	32	49	80	7	9
	PENDING END	151	109	51	52	54
STAFF	RECEIVED	909	568	551	525	441
	CLOSED	282	708	892	356	245
	PENDING END	2,071	1,931	1,590	1,759	1,955

* The number of reported field cases is incomplete, due to the fact that they are handled by the United States Attorneys' Offices; some are not reflected in the Division's case tracking system.

FY90 - FY94

DIVISION STATISTICS BY SECTION AND ASSIGNMENT TYPE

(Continued)

ENVIRONMENTAL DEFENSE SECTION (Continued)

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
TOTAL	RECEIVED	931	595	597	558	479
	CLOSED	353	787	1,024	374	264
	PENDING END	2,360	2,168	1,741	1,925	2,140

ENVIRONMENTAL ENFORCEMENT SECTION

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
FIELD	RECEIVED	21	13	1	0	0
	CLOSED	56	50	14	15	15
	PENDING END	144	107	94	79	64
JOINT	RECEIVED	5	22	2	0	0
	CLOSED	5	46	11	3	2
	PENDING END	49	25	16	13	11
STAFF	RECEIVED	433	513	442	386	439
	CLOSED	500	551	286	278	391
	PENDING END	1,619	1,581	1,737	1,845	1,893
TOTAL	RECEIVED	459	548	445	386	439
	CLOSED	561	647	311	296	408
	PENDING END	1,812	1,713	1,847	1,937	1,968

GENERAL LITIGATION SECTION

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
COORDINATED	RECEIVED	13	9	14	30	11
	CLOSED	3	6	5	9	16
	PENDING END	48	51	60	81	76
DIRECT	RECEIVED	0	0	4	0	2
	CLOSED	2	1	4	2	1
	PENDING END	9	8	8	6	7
FIELD	RECEIVED	165	188	145	110	104
	CLOSED	92	85	160	150	366
	PENDING END	648	751	736	696	434
JOINT	RECEIVED	311	288	179	203	154
	CLOSED	360	300	1,001	309	437
	PENDING END	1,682	1,670	848	742	459
LOW-MONITOR	RECEIVED	236	165	57	5	15
	CLOSED	563	72	449	27	104
	PENDING END	453	546	154	132	43
STAFF	RECEIVED	111	137	156	205	213
	CLOSED	120	93	188	124	237
	PENDING END	776	820	788	869	845
TOTAL	RECEIVED	837	787	555	553	499
	CLOSED	1,140	557	1,807	621	1,161
	PENDING END	3,616	3,846	2,594	2,526	1,864

FY90 - FY94

DIVISION STATISTICS BY SECTION AND ASSIGNMENT TYPE

(Continued)

INDIAN RESOURCES SECTION

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
COORDINATED	RECEIVED	0	2	0	0	0
	CLOSED	0	0	1	1	0
	PENDING END	2	4	3	2	2
DIRECT	RECEIVED	3	1	1	1	0
	CLOSED	5	0	0	2	1
	PENDING END	5	6	7	6	5
FIELD	RECEIVED	7	18	6	58	24
	CLOSED	32	0	2	2	7
	PENDING END	35	53	57	113	130
JOINT	RECEIVED	5	4	3	4	1
	CLOSED	32	0	5	3	22
	PENDING END	84	88	86	87	66
LOW-MONITOR	RECEIVED	9	3	0	4	1
	CLOSED	0	7	0	1	4
	PENDING END	11	7	7	10	7
STAFF	RECEIVED	16	10	9	10	10
	CLOSED	43	3	151	89	15
	PENDING END	314	321	179	100	95
TOTAL	RECEIVED	40	38	19	77	36
	CLOSED	112	10	159	98	49
	PENDING END	451	479	339	318	305

LAND ACQUISITION SECTION

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
FIELD	RECEIVED	392	335	277	298	263
	CLOSED	392	451	394	568	1,028
	PENDING END	3,312	3,196	3,079	2,809	2,044
JOINT	RECEIVED	153	141	213	219	114
	CLOSED	117	219	251	166	381
	PENDING END	1,493	1,415	1,377	1,430	1,163
STAFF	RECEIVED	122	338	101	191	329
	CLOSED	296	290	279	221	200
	PENDING END	1,215	1,263	1,085	1,055	1,184
TOTAL	RECEIVED	667	814	591	708	706
	CLOSED	805	960	924	955	1,609
	PENDING END	6,020	5,874	5,541	5,294	4,391

PLSL SECTION

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
STAFF	RECEIVED	272	277	345	353	278
	CLOSED	387	115	423	540	172
	PENDING END	525	687	609	422	528
TOTAL	RECEIVED	272	277	345	353	278
	CLOSED	387	115	423	540	172
	PENDING END	525	687	609	422	528

FY90 - FY94

DIVISION STATISTICS BY SECTION AND ASSIGNMENT TYPE

(Continued)

PLSL SECTION (Continued)

PLSL SUPPLEMENTAL WORKLOAD

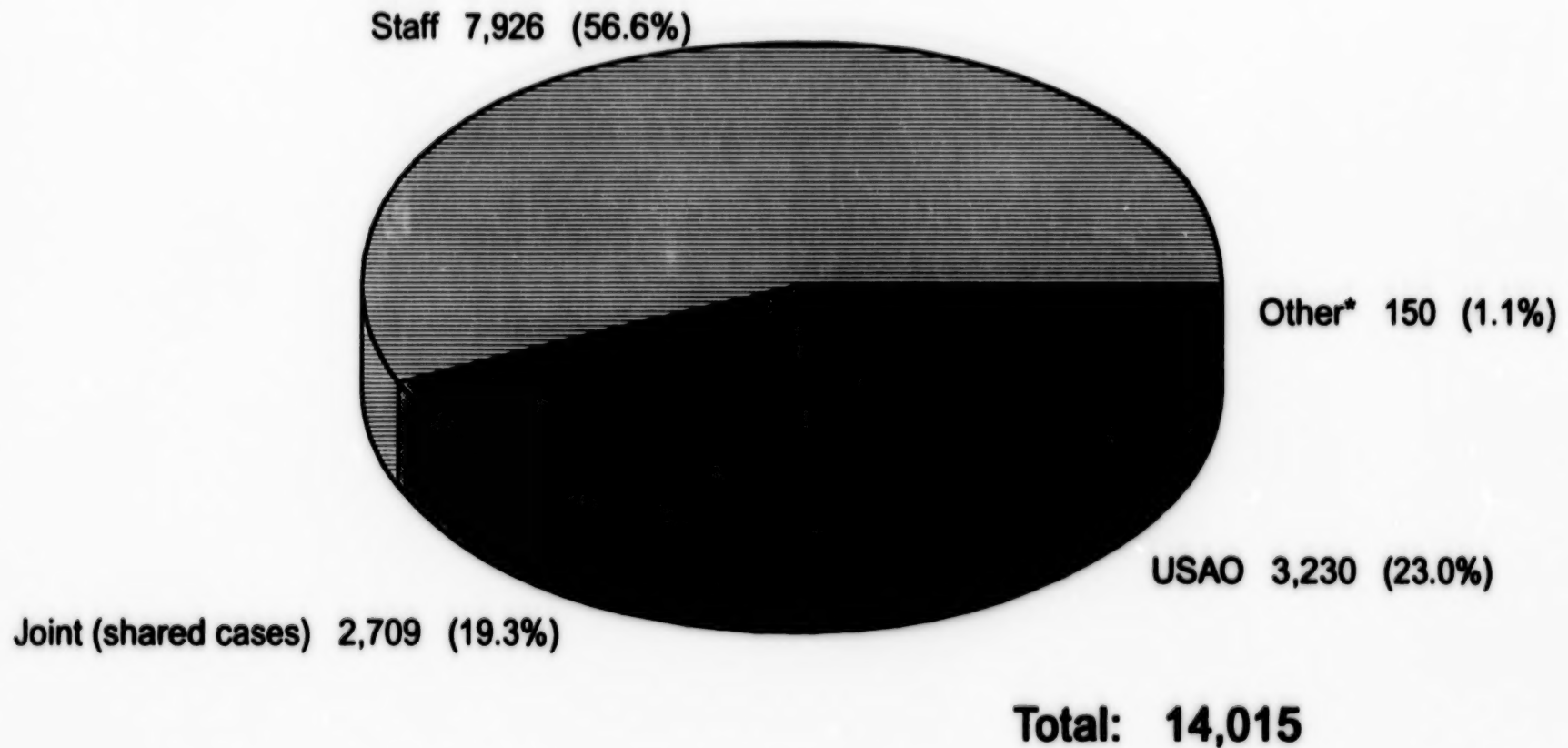
		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
STAFF	RECEIVED	2,489	2,241	2,540	1,835	2,379
	CLOSED	2,154	2,832	2,427	1,776	1,796
	PENDING END	981	390	503	562	1,145

WILDLIFE AND MARINE RESOURCES SECTION

<u>ASSIGNMENT TYPE</u>		<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>
COORDINATED	RECEIVED	0	0	0	0	0
	CLOSED	0	0	1	0	0
	PENDING END	1	1	0	0	0
FIELD	RECEIVED	28	35	40	86	103
	CLOSED	5	12	22	12	19
	PENDING END	50	73	91	165	249
JOINT	RECEIVED	242	206	156	157	116
	CLOSED	250	187	166	180	121
	PENDING END	809	828	818	795	790
STAFF	RECEIVED	186	241	292	313	388
	CLOSED	209	202	252	214	239
	PENDING END	285	324	364	463	612
TOTAL	RECEIVED	456	482	488	556	607
	CLOSED	464	401	441	406	379
	PENDING END	1,145	1,226	1,273	1,423	1,651
GRAND TOTAL	RECEIVED	4,097	4,052	3,450	3,661	3,442
	CLOSED	4,178	3,880	5,541	3,710	4,431
	PENDING END	16,972	17,144	15,053	15,004	14,015

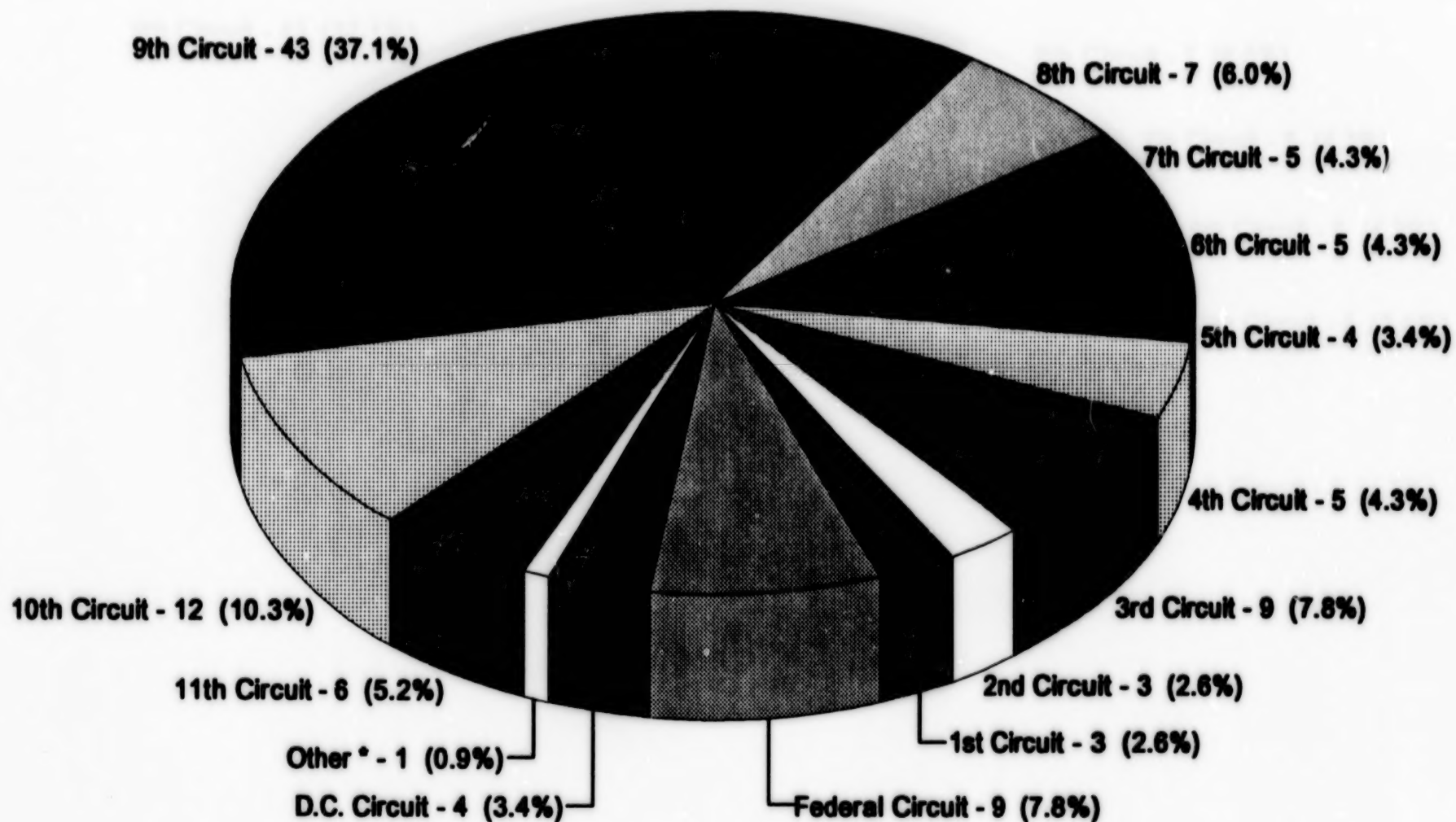
**BLANK
PAGE**

FY94
CASES AND MATTERS PENDING BY ASSIGNMENT RESPONSIBILITY



* Represents cases that are shared with other legal Divisions and cases that are referred directly to the USAO by the client agency.

**FY94
APPELLATE SECTION ORAL ARGUMENTS**



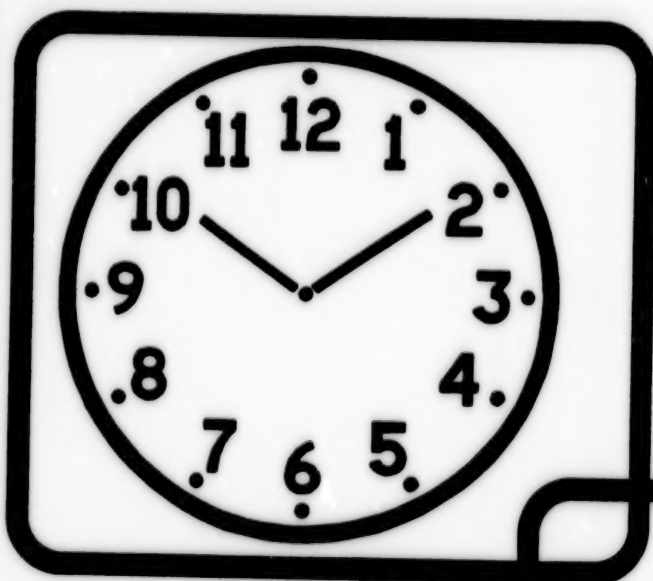
* State Court of Appeals

Total Arguments - 116

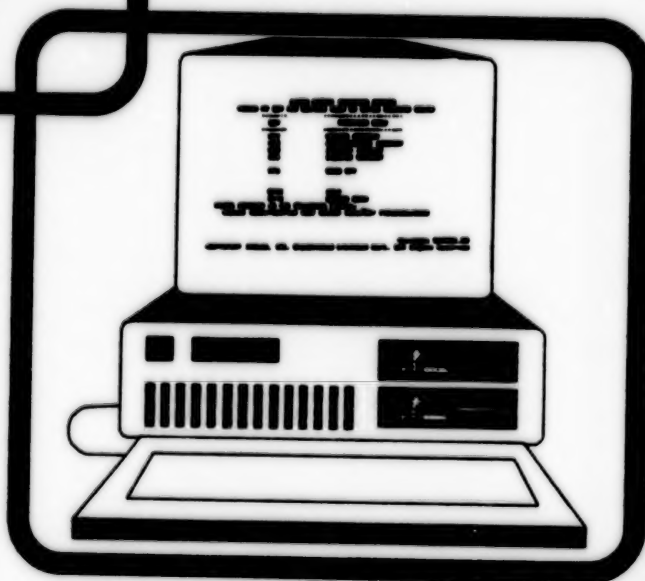
78

Section 3

Case Time Analyses



ATS



LDTS

80

BLANK PAGE

FY94 ATTORNEY TIME ON CASES AND CATEGORIES BY SECTION

SECTION		CASES	PROF DEVEL	LEGIS	CLIENT COUNSEL	SUPRV ADMIN	LEAVE	OTHER	TOTAL	COURT	OVERTIME
ADMINISTRATION (Litigation Support)	Hours Percent	2865.25 38.8	97.50 1.3	.00 .0	.00 .0	1650.00 22.4	1447.25 19.6	1315.50 17.8	7175.50 100.0	.00 .0	574.50 7.8
APPELLATE	Hours Percent	43767.25 75.8	563.25 1.0	10.50 .0	42.50 .1	5150.75 8.9	6697.50 11.6	1517.50 2.6	57749.25 100.0	341.00 .6	9307.25 16.1
ENVIRONMENTAL CRIMES	Hours Percent	37791.25 49.5	8129.50 10.6	1581.75 2.1	2157.25 2.8	9458.75 12.4	13500.25 17.7	3732.50 4.9	76351.25 100.0	1266.50 1.7	9648.75 12.6
ENVIRONMENTAL DEFENSE	Hours Percent	98696.75 72.4	2611.50 1.9	1059.50 .8	333.00 .2	12543.50 9.2	15998.50 11.7	5170.00 3.8	136412.75 100.0	930.75 .7	23708.75 17.4
ENVIRONMENTAL ENFORCEMENT	Hours Percent	269397.25 69.0	11726.75 3.0	809.25 .2	2066.25 .5	42868.50 11.0	51673.75 13.2	12056.00 3.1	390597.75 100.0	4544.75 1.2	70226.25 18.0
GENERAL LITIGATION	Hours Percent	104344.50 76.2	2944.25 2.1	1195.75 .9	1259.75 .9	8008.00 5.8	16066.00 11.7	3205.00 2.3	137023.25 100.0	1493.50 1.1	24862.50 18.1
INDIAN RESOURCES	Hours Percent	21771.50 73.5	940.00 3.2	12.50 .0	34.00 .1	2801.75 9.5	3825.50 12.9	252.75 .9	29638.00 100.0	509.00 1.7	4988.50 16.8
LAND ACQUISITION	Hours Percent	20960.50 58.0	2640.00 7.3	8.00 .0	1048.25 2.9	3881.25 10.7	4456.75 12.3	3145.25 8.7	36140.00 100.0	425.25 1.2	3868.00 10.7
PLSL	Hours Percent	21006.75 72.5 *	897.00 3.1	2040.75 7.0	4.50 .0	1302.75 4.5	3610.50 12.5	110.50 .4	28972.75 100.0	48.00 .2	5701.75 19.7
SPECIAL LITIGATION	Hours Percent	2523.00 90.2	4.00 .1	.00 .0	46.00 1.6	47.00 1.7	158.75 5.7	18.00 .6	2796.75 100.0	52.00 1.9	708.75 25.3
WILDLIFE	Hours Percent	27657.75 75.7	1053.00 2.9	148.00 .4	891.25 2.4	1551.50 4.2	4374.50 12.0	879.25 2.4	36555.25 100.0	638.00 1.7	6345.25 17.4
DIVISION TOTALS	Hours Percent	650781.75 69.3	31606.75 3.4	6866.00 .7	7882.75 .8	89263.75 9.5	121809.25 13.0	31402.25 3.3	939612.50 100.0	10248.75 1.1	159940.25 17.0

* Includes legislative projects for which a DOJ file number was assigned.

FY94 PARALEGAL TIME ON CASES AND CATEGORIES BY SECTION

SECTION		CASES	PROF DEVEL	LEGIS	CLIENT COUNSEL	SUPERV ADMIN	LEAVE	OTHER	TOTAL	COURT	OVERTIME
ADMINISTRATION (Litigation Support)	Hours Percent	16125.75 46.4	994.75 2.9	.00 .0	.00 .0	5642.00 16.2	4348.00 12.5	7660.00 22.0	34770.50 100.0	6.50 .0	5160.50 14.8
APPELLATE	Hours Percent	1106.75 40.7	52.00 1.9	.00 .0	.00 .0	.00 .0	393.00 14.4	1168.00 42.9	2719.75 100.0	.00 .0	47.75 1.8
ENVIRONMENTAL CRIMES	Hours Percent	8320.75 52.9	616.75 3.9	.00 .0	162.00 1.0	3666.25 23.3	2608.75 16.6	369.50 2.3	15744.00 100.0	220.50 1.4	1494.00 9.5
ENVIRONMENTAL DEFENSE	Hours Percent	13291.50 65.4	1154.75 5.7	38.00 .2	.00 .0	1606.50 7.9	3429.25 16.9	809.75 4.0	20329.75 100.0	1.00 .0	1293.25 6.4
ENVIRONMENTAL ENFORCEMENT	Hours Percent	56804.75 56.5	3211.75 3.2	3.50 .0	4.00 .0	11223.00 11.2	19349.25 19.3	9900.75 9.9	100497.00 100.0	986.75 1.0	6025.50 6.0
GENERAL LITIGATION	Hours Percent	18090.25 61.7	971.50 3.3	.00 .0	59.00 .2	2002.25 6.8	5524.75 18.8	2682.00 9.1	29329.75 100.0	89.50 .3	1177.75 4.0
INDIAN RESOURCES	Hours Percent	468.75 72.0	109.00 16.7	.00 .0	.00 .0	.00 .0	25.00 3.8	48.00 7.4	650.75 100.0	.00 .0	50.75 7.8
LAND ACQUISITION	Hours Percent	6008.00 62.9	516.75 5.4	4.00 .0	493.25 5.2	21.00 .2	1219.00 12.8	1293.00 13.5	9555.00 100.0	9.00 .1	340.00 3.6
PLSL	Hours Percent	4202.25 73.3 *	121.00 2.1	230.00 4.0	8.00 .1	64.50 1.1	809.50 14.1	301.50 5.3	5736.75 100.0	.00 .0	480.75 8.4
SPECIAL LITIGATION	Hours Percent	1429.50 37.4	10.00 .3	.00 .0	.00 .0	.00 .0	774.50 20.3	1604.00 42.0	3818.00 100.0	40.00 1.0	2.00 .1
WILDLIFE	Hours Percent	1311.25 33.9	130.50 3.4	3.00 .1	11.00 .3	13.50 .3	678.50 17.5	1720.25 44.5	3868.00 100.0	2.00 .1	36.00 .9
DIVISION TOTALS	Hours Percent	127159.50 56.0	7888.75 3.5	278.50 .1	737.25 .3	24239.00 10.7	39159.50 17.2	27556.75 12.1	227019.25 100.0	1355.25 .6	16108.25 7.1

* Includes legislative projects for which a DOJ file number was assigned.

BEST COPY AVAILABLE

FY94 DIVISION COURT TIME AND OVERTIME BY SECTION

COURT TIME

SECTION	ATTORNEY HOURS	NO. OF ATTORNEYS ¹	AVERAGE COURT TIME HRS PER ATTORNEY	NO. OF ATTORNEY WORK WEEKS	NON-ATTORNEY HOURS	TOTAL HOURS
ADMINISTRATION (Lit Support)	0.00	3.53	0.00	0.00	6.50	6.50
APPELLATE	341.00	27.66	12.33	8.53	0.00	341.00
ENVIRONMENTAL CRIMES	1,266.50	36.57	34.63	31.66	220.50	1,487.00
ENVIRONMENTAL DEFENSE	930.75	65.33	14.25	23.27	1.00	931.75
ENVIRONMENTAL ENFORCEMENT	4,544.75	187.07	24.29	113.62	986.75	5,531.50
GENERAL LITIGATION	1,493.50	65.62	22.76	37.34	89.50	1,583.00
INDIAN RESOURCES	509.00	14.19	35.87	12.73	0.00	509.00
LAND ACQUISITION	425.25	17.31	24.57	10.63	9.00	434.25
PLSL	48.00	13.88	3.46	1.20	0.00	48.00
SPECIAL LITIGATION	52.00	1.34	38.81	1.30	40.00	92.00
WILDLIFE	638.00	17.51	36.44	15.95	2.00	640.00
TOTAL	10,248.75	450.01	22.77	256.22	1,355.25	11,604.00

OVERTIME

SECTION	ATTORNEY HOURS	NO. OF ATTORNEYS ¹	AVERAGE OVERTIME HRS PER ATTORNEY	NO. OF ATTORNEY WORK WEEKS	NON-ATTORNEY HOURS	TOTAL HOURS
ADMINISTRATION (Lit Support)	574.50	3.53	162.75	14.36	5,160.50	5,735.00
APPELLATE	9,307.25	27.66	336.49	232.68	47.75	9,355.00
ENVIRONMENTAL CRIMES	9,648.75	36.57	263.84	241.22	1,494.00	11,142.75
ENVIRONMENTAL DEFENSE	23,708.75	65.33	362.91	592.72	1,293.25	25,002.00
ENVIRONMENTAL ENFORCEMENT	70,226.25	187.07	375.40	1,755.66	6,025.50	76,251.75
GENERAL LITIGATION	24,862.50	65.62	378.89	621.56	1,177.75	26,040.25
INDIAN RESOURCES	4,988.50	14.19	351.55	124.71	50.75	5,039.25
LAND ACQUISITION	3,868.00	17.31	223.45	96.70	340.00	4,208.00
PLSL	5,701.75	13.88	410.79	142.54	480.75	6,182.50
SPECIAL LITIGATION	708.75	1.34	528.92	17.72	2.00	710.75
WILDLIFE	6,345.25	17.51	362.38	158.63	36.00	6,381.25
TOTAL	159,940.25²	450.01	355.41	3,998.51	16,108.25	176,048.50

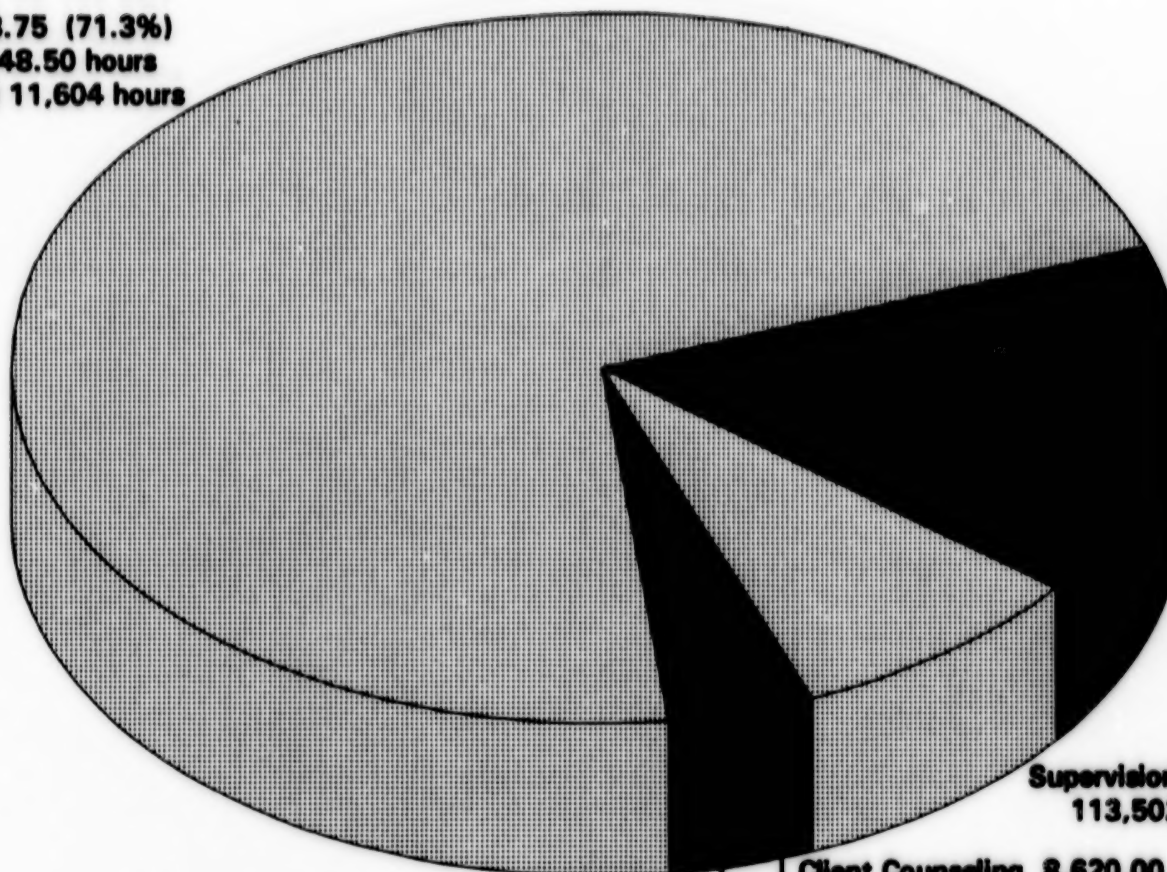
¹ Number of attorneys represents the number of workyears.

² Equivalent to 76.60 attorney workyears based on 2,088.00 hours in the fiscal year.

BEST COPY AVAILABLE

FY94 BEST COPY AVAILABLE
ATTORNEY AND PARALEGAL TIME ON CASES AND CATEGORIES

Cases 965,593.75 (71.3%)
(includes 176,048.50 hours
of overtime and 11,604 hours
of court time)



Other 58,959.00 (4.4%)
(includes time reported on
non-case related research
and special projects)

Leave 160,968.75 (11.9%)
(approximately 28% of this
time represents 11 Federal
holidays)

Supervision/Administration
113,502.75 (8.4%)

Client Counseling 8,620.00 (0.6%)

Legislation 7,144.50 (0.5%)

Professional Development 39,495.50 (2.9%)

Total Hours: 1,354,284.25

FY94 DIVISION TOP TWENTY CASES AND MATTERS

(* = Superfund)

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
* 90-11-2-204	U.S. V MARINE SHALE PROCESSORS, INC.	ENVR ENFOR	29,233.00
90-1-4-3806	SEATTLE AUDUBON SOCIETY, ET AL. V MIKE ESPY, SECY OF AGRICULTURE, ET AL.	GENERL LIT	8,041.25
90-6-2-63C	IN RE: THE GENERAL ADJUDICATION OF RIGHTS TO USE OF WATER IN SNAKE RIVER BASIN WATER SYSTEM	GENERL LIT	7,757.00**
* 90-11-3-511	U.S. V MONTROSE CHEMICAL COMPANY	ENVR ENFOR	6,545.25
* 90-11-2-137B	U.S. V WILLIAM M. DAVIS	ENVR ENFOR	6,512.75
90-1-23-4125	CONOCO, INC. V U.S.	GENERL LIT	6,106.75
* 90-11-2-422	U.S. V ALLIED-SIGNAL CORPORATION, ET AL.	ENVR ENFOR	5,577.00
90-5-1-1-3298A	U.S. V APEX OIL COMPANY, ET AL.	ENVR ENFOR	5,558.75
90-1-2-1337	U.S. & FLORIDA AUDUBON SOCIETY, ET AL. V SOUTH FLORIDA WATER MANAGEMENT DISTRICT, ET AL.	GENERL LIT	5,012.25
* 90-11-2-372A	U.S. V FEDERAL PACIFIC ELECTRIC COMPANY, INC., ET AL.	ENVR ENFOR	4,673.00
90-5-1-1-2987	U.S. V CITY OF SAN DIEGO, CA	ENVR ENFOR	4,314.00
90-7-1-692	U.S. V DALE VALENTINE, ET AL.	ENVR ENFOR	4,232.25
90-5-1-1-3308A	U.S. V HAMMOND SANITARY DISTRICT	ENVR ENFOR	3,970.00
* 90-5-1-1-1229	U.S. V OCCIDENTAL CHEMICAL CORPORATION (LOVE CANAL - HOOKER CHEMICALS & PLASTICS CORP)	ENVR ENFOR	3,856.25
* 90-11-2-816	U.S., ET AL. V M. A. HANNA COMPANY, ET AL.	ENVR ENFOR	3,801.00
90-11-2-73	U.S. V SHELL OIL COMPANY (ROCKY MOUNTAIN ARSENAL)	ENVR ENFOR	3,334.50
* 90-11-3-709	U.S. V DONALD R. LANG, ET AL.	ENVR ENFOR	3,099.00
90-6-2-63	IN THE MATTER OF IDAHO WATER ADJUDICATION	INDIAN RES	3,081.75**
198-58-7	U.S. V M/G TRANSPORT SERVICES, INC.	ENVR CRIME	3,076.50
198-55-3	U.S. V CHEROKEE RESOURCES, INC./KEITH EIDSON	ENVR CRIME	2,922.00
TOTAL:			120,704.25

** This is one case being worked on by two different sections; the total hours for the case is 10,838.75.

FY92 - FY94 DIVISION TOP TWENTY CASES AND MATTERS

(* = Superfund)

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
* 90-11-2-204	U.S. V MARINE SHALE PROCESSORS, INC.	ENVR ENFOR	42,418.25
* 90-11-2-137B	U.S. V WILLIAM M. DAVIS	ENVR ENFOR	25,298.00
* 90-11-3-511	U.S. V MONTROSE CHEMICAL COMPANY	ENVR ENFOR	18,221.50
* 90-11-2-422	U.S. V ALLIED-SIGNAL CORPORATION, ET AL.	ENVR ENFOR	17,077.00
90-1-2-1337	U.S. & FLORIDA AUDUBON SOCIETY, ET AL. V SOUTH FLORIDA WATER MANAGEMENT DISTRICT, ET AL.	GENERL LIT	16,116.75
90-6-2-63C	IN RE: THE GENERAL ADJUDICATION OF RIGHTS TO USE OF WATER IN SNAKE RIVER BASIN WATER SYSTEM	GENERL LIT	13,250.50**
90-11-3-21	CADILLAC/FAIRVIEW/CALIFORNIA, INC., ET AL. V GSA	ENVR DEFEN	13,030.25
* 90-5-1-1-1229	U.S. V OCCIDENTAL CHEMICAL CORPORATION (LOVE CANAL-HOOKER CHEMICALS & PLASTICS CORP)	ENVR ENFOR	12,660.25
90-5-1-1-3298A	U.S. V APEX OIL COMPANY, ET AL.	ENVR ENFOR	11,543.75
90-1-4-3806	SEATTLE AUDUBON SOCIETY, ET AL. V MIKE ESPY, SECY OF AGRICULTURE, ET AL.	GENERL LIT	11,052.00
* 90-11-2-3A	U.S. V SHELL OIL COMPANY, ET AL.	ENVR ENFOR	9,827.50
90-6-2-63	IN THE MATTER OF IDAHO WATER ADJUDICATION	INDIAN RES	9,779.75**
* 90-11-3-138	U.S. V APACHE ENERGY & MINERALS COMPANY; ASARCO, INC., ET AL.	ENVR ENFOR	9,255.75
90-1-23-4125	CONOCO, INC. V U.S.	GENERL LIT	9,019.75
* 90-11-2-689	IN RE: NATIONAL GYPSUM COMPANY	ENVR ENFOR	8,667.25
90-11-2-73	U.S. V SHELL OIL COMPANY (ROCKY MOUNTAIN ARSENAL)	ENVR ENFOR	8,503.25
90-5-1-1-3554	U.S. & STATE OF OHIO V CITY OF TOLEDO, OHIO	ENVR ENFOR	8,238.25
90-7-1-692	U.S. V DALE VALENTINE, ET AL.	ENVR ENFOR	7,919.25
* 90-7-1-618	IN RE: C F & I FABRICATORS OF UTAH	ENVR ENFOR	7,725.75
* 90-11-3-323	U.S. V J. M. TAYLOR	ENVR ENFOR	7,669.75
TOTAL:			267,274.50

** This is one case being worked on by two different sections; the total hours for the case is 23,030.25.

FY94 SECTION TOP TEN CASES AND MATTERS

(* = Superfund)

ADMINISTRATION (Litigation Support)

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
90-11-2-73	U.S. V SHELL OIL COMPANY (ROCKY MOUNTAIN ARSENAL)	ENVR ENFOR	3,323.00
* 90-11-2-204	U.S. V MARINE SHALE PROCESSORS, INC.	ENVR ENFOR	1,092.75
90-1-23-4125	CONOCO, INC. V U.S.	GENERL LIT	1,142.00
90-6-2-63	IN THE MATTER OF IDAHO WATER ADJUDICATION	INDIAN RES	1,060.50
* 90-11-3-511	U.S. V MONTROSE CHEMICAL COMPANY	ENVR ENFOR	751.00
90-11-2-509	U.S. V STATE OF COLORADO & THE COLORADO DEPT. OF HEALTH	ENVR DEFEN	667.50
* 90-11-2-137B	U.S. V WILLIAM M. DAVIS	ENVR ENFOR	444.50
198-6-7	U.S. V KETCHIKAN PULP COMPANY	ENVR CRIME	434.50
90-11-3-619	U.S. V ARCO	ENVR DEFEN	431.00
90-2-4-986	BERTHA L. MESCAL & FRANK ETCITTY, ET AL. V U.S., JAMES MATT, SECY OF INTERIOR, ET AL.	GENERL LIT	421.50
TOTAL:			10,568.25

APPELLATE SECTION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
90-6-7-470	JENNY MANYBEADS, ET AL. V U.S., ET AL.	INDIAN RES	1,499.50
90-8-6-302	PACIFIC RIVERS COUNCIL V THOMAS	WILDLIFE	526.75
90-1-2-1375	IN THE MATTER OF CITY OF AURORA	GENERL LIT	459.00
90-5-1-1-3473	LYKES BROS., INC. V CORPS OF ENGINEERS	ENVR DEFEN	431.50
90-5-2-1-1045	U.S. V AM GENERAL CORPORATION	ENVR ENFOR	428.25
90-8-6-222	SWEET HOME CHAPTER OF COMMUNITIES FOR A GREATER OREGON, ET AL. V MANUEL LUJAN	WILDLIFE	405.00
90-1-4-3386	WILDERNESS SOCIETY, ET AL. V ROBERT R. TYRREL; U.S. FOREST SERVICE, ET AL.	GENERL LIT	395.00
90-1-0-2714	DUNCAN ENERGY COMPANY, ET AL. V U.S. FOREST SERVICE	GENERL LIT	394.00
90-1-4-3765	DOUGLAS COUNTY V MANUEL LUJAN, JR., SECY OF INTERIOR	GENERL LIT	384.50
* 90-11-2-290	U.S. V PRINCETON GAMMA TECH., INC.	ENVR ENFOR	381.00
TOTAL:			5,304.50

FY94 SECTION TOP TEN CASES AND MATTERS

(* = Superfund)

(Continued)

ENVIRONMENTAL CRIMES SECTION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
198-55-3	U.S. V CHEROKEE RESOURCES, INC./KEITH EIDSON	ENVR CRIME	2,922.00
198-58-7	U.S. V M/G TRANSPORT SERVICES, INC.	ENVR CRIME	2,874.75
198-65-2	U.S. V THE EMILY S, NEW ENGLAND MARINE SERVICES, INC., BUNKER GROUP N.J., BUNKER GROUP PUERTO RICO	ENVR CRIME	2,809.00
198-61-5	U.S. V ENVIRONMENTAL PACIFIC CORPORATION	ENVR CRIME	2,480.25
198-13-19	INVESTIGATIVE MATTER	ENVR CRIME	1,888.00
198-47-2	U.S. V BEEDE OIL	ENVR CRIME	1,648.00
198-6-7	U.S. V KETCHIKAN PULP COMPANY	ENVR CRIME	1,390.25
198-21-4	U.S. V HAMAKUA SUGAR COMPANY	ENVR CRIME	1,128.50
198-90-3	U.S. V WEST INDIES TRANSPORT	ENVR CRIME	1,073.50
198-76-4	U.S. V CRAVEN LABORATORIES & DON ALLEN CRAVEN	ENVR CRIME	1,071.00
TOTAL:			19,285.25

ENVIRONMENTAL DEFENSE SECTION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
90-11-3-1207	EAST BAY MUNICIPAL UTILITY DISTRICT V DEPT. OF COMMERCE	ENVR DEFEN	2,576.25
90-5-1-6-486	U.S. V FINA OIL COMPANY	ENVR DEFEN	2,571.50
90-5-1-4-336	U.S. V STATE OF ALASKA, DEPT. OF TRANSPORTATION	ENVR DEFEN	2,507.75
90-11-3-21	CADILLAC/FAIRVIEW/CALIFORNIA, INC., ET AL. V GSA	ENVR DEFEN	2,175.25
90-7-2-467	GREENPEACE, INC., TERESA SWEARINGEN, ET AL. V EPA	ENVR DEFEN	1,897.25
90-11-2-509	U.S. V STATE OF COLORADO & THE COLORADO DEPT. OF HEALTH	ENVR DEFEN	1,831.75
90-11-3-630	IRON MOUNTAIN MINE V BUREAU OF RECLAMATION	ENVR DEFEN	1,716.75
90-11-3-619	U.S. V ARCO	ENVR DEFEN	1,715.00
90-11-3-1084	FRIT INDUSTRIES, INC. V U.S., ET AL.	ENVR DEFEN	1,654.75
90-5-1-1-3876	FRIENDS OF THE EARTH, INC. & DEAN R. REED V DEPARTMENT OF ENERGY	ENVR DEFEN	1,505.75
TOTAL:			20,152.00

FY94 SECTION TOP TEN CASES AND MATTERS

(* = Superfund)
(Continued)

ENVIRONMENTAL ENFORCEMENT SECTION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
* 90-11-2-204	U.S. V MARINE SHALE PROCESSORS	ENVR ENFOR	27,255.75
* 90-11-2-137B	U.S. V WILLIAM M. DAVIS	ENVR ENFOR	6,068.25
* 90-11-3-511	U.S. V MONTROSE CHEMICAL COMPANY	ENVR ENFOR	5,794.25
90-5-1-1-3298A	U.S. V APEX OIL COMPANY, ET AL.	ENVR ENFOR	5,540.25
* 90-11-2-422	U.S. V ALLIED-SIGNAL CORPORATION, ET AL.	ENVR ENFOR	5,208.50
* 90-11-2-372A	U.S. V FEDERAL PACIFIC ELECTRIC COMPANY, INC., ET AL.	ENVR ENFOR	4,563.00
90-7-1-692	U.S. V DALE VALENTINE, ET AL.	ENVR ENFOR	4,232.25
90-5-1-1-2987	U.S. V CITY OF SAN DIEGO, CA	ENVR ENFOR	4,220.50
90-5-1-1-3308A	U.S. V HAMMOND SANITARY DISTRICT	ENVR ENFOR	3,953.00
90-11-2-816	U.S. V BLACKBIRD MINING CO., ET AL. & THE STATE OF IDAHO, ET AL. V THE M.A. HANNA CO.	ENVR ENFOR	3,691.50
TOTAL:			70,527.25

GENERAL LITIGATION SECTION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
90-1-4-3806	SEATTLE AUDUBON SOCIETY, ET AL. V MIKE ESPY, SECY OF AGRICULTURE, ET AL.	GENEAL LIT	7,757.25
90-6-2-63C	IN RE: THE GENERAL ADJUDICATION OF RIGHTS TO USE OF WATER IN SNAKE RIVER BASIN WATER SYSTEM	GENEAL LIT	7,734.50
90-1-2-1337	U.S. & FLORIDA AUDUBON SOCIETY, ET AL. V SOUTH FLORIDA WATER MANAGEMENT DISTRICT, ET AL.	GENEAL LIT	4,239.75
90-1-23-4125	CONOCO, INC. V U.S.	GENEAL LIT	4,061.75
90-6-2-47C	IN RE: THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE OF WATER IN GILA RIVER SYSTEM AND SOURCE	GENEAL LIT	2,220.75
90-2-20-1050	FORT MOJAVE INDIAN TRIBE V U.S.	GENEAL LIT	2,129.00
90-1-2-1403	GRAND VALLEY WATER USERS ASSOC; ORCHARD MESA IRRIGATION DIST. & THE U.S. (APPLIC. FOR WTR RIGHTS)	GENEAL LIT	2,067.00
90-1-23-0	TAKINGS LITIGATION	GENEAL LIT	1,894.00
* 90-1-23-2650	HENRY HENDLER; PAUL GARRETT & TILLIE GOLDRING, AS TRUSTEES; HENRY HENDLER & IRVING GROWSKY V U.S.	GENEAL LIT	1,779.25
90-1-23-2909	CARL SHELLEN & MARY SHELLEN V U.S.	GENEAL LIT	1,598.00
TOTAL:			35,481.25

FY94 SECTION TOP TEN CASES AND MATTERS

(* = Superfund)
(Continued)

INDIAN RESOURCES SECTION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
90-6-2-17	STATE OF WASHINGTON DEPARTMENT OF ECOLOGY V JAMES J. ACQUAVELLA, ET AL.	INDIAN RES	2,178.00
90-6-0-163	LITIGATION ON BEHALF OF THE MILLE LACS BAND OF CHIPPEWA INDIANS	INDIAN RES	2,113.00
90-6-2-63	IN THE MATTER OF IDAHO WATER ADJUDICATION	INDIAN RES	1,647.00
90-2-0-670	U.S. V STATE OF WASHINGTON	INDIAN RES	1,471.00
90-6-4-15	CROW TRIBE OF INDIANS & U.S. V STATE OF MONTANA, ET AL.	INDIAN RES	1,320.25
90-6-2-6	U.S. V GILA RIVER WATER COMMISSIONER	INDIAN RES	1,297.75
90-6-5-23	COEUR D'ALENE TRIBE V IDAHO	INDIAN RES	1,008.50
90-6-2-47	IN RE: GENERAL ADJUDICATION OF ALL RIGHTS TO USE OF WATER IN THE GILA RIVER SYSTEM AND SOURCE	INDIAN RES	969.00
90-6-2-1	U.S. V AMS RANCH, MONTANA, ET AL.	INDIAN RES	636.75
90-6-2-54	IN THE MATTER OF STATE OF ARIZONA AND THE LITTLE COLORADO RIVER SYSTEM	INDIAN RES	603.50
TOTAL:			13,244.75

LAND ACQUISITION SECTION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
33-36-719	U.S. V 2.10 ACRES IN HAMILTON CO., OHIO, AND RICHARD E. DOOLEY, ET AL.	LAND ACQUI	1,961.75
33-6-505	U.S. V 42.6 ACRES IN LARIMER CO., COLORADO, AND JAMES A. MARTELL, TRUSTEE, ET AL.	LAND ACQUI	1,814.50
33-46-257-155	U.S. V 819.98 ACRES IN WASATCH & SUMMIT CO., UTAH, & STICHTING, MAYFLOWER RECREATIONAL FONDS, ET AL.	LAND ACQUI	1,397.00
33-36-720	U.S. V 6.24 ACRES IN HAMILTON CO., OHIO, AND EARL J. WEBER, ET AL.	LAND ACQUI	1,291.50
33-10-859	U.S. V 1,390.453 ACRES IN SUNTER CO., FLORIDA, AND DOROTHY MAI OGDEN WRIGHT, ET AL.	LAND ACQUI	983.25
90-1-23-4125	CONOCO, INC. V U.S.	GENEAL LIT	903.00
33-49-1445	U.S. V 52.1 ACRES IN SNOHOMISH CO., WASHINGTON, AND SNOKEY POINT VENTURE, ET AL.	LAND ACQUI	815.00
33-50-303	U.S. V 9.72 ACRES IN MONONGALIA CO., WEST VIRGINIA, AND ANDREW OLESKA, ET AL.	LAND ACQUI	655.50
33-38-2212	U.S. V 0.3444 ACRES IN MULTNOMAH CO., OREGON, AND HAMILTON PROPERTIES, INC., ET AL.	LAND ACQUI	550.00
33-49-340-247	U.S. V 16,908.36 ACRES IN KITTITAS CO., WASHINGTON, AND SIGNAL INVESTMENTS, ET AL.	LAND ACQUI	549.00
TOTAL:			10,920.50

FY94 SECTION TOP TEN CASES AND MATTERS

(* = Superfund)
(Continued)

PLSL SECTION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
90-1-24-454	CERCLA REAUTHORIZATION AND POLICY	PLSL	2,156.00
90-1-24-183	CONGRESSIONAL INQUIRIES	PLSL	1,963.00
90-1-0-2725	CITY OF VIRGINIA BEACH V RONALD H. BROWN, SECY OF COMMERCE	GENEAL LIT	1,139.00
90-1-24-551	ENVIRONMENTAL JUSTICE	PLSL	1,040.00
236380-4-1	FREEDOM OF INFORMATION ACT REQUESTS	PLSL	1,019.00
90-1-24-408	CLEAN WATER ACT REAUTHORIZATION	PLSL	904.75
90-1-24-606	ECOSYSTEM MANAGEMENT TASK FORCE	PLSL	876.50
90-1-24-156	SPECIAL PROJECTS	PLSL	866.00
90-1-24-330	CONTROLLED CORRESPONDENCE (EXECUTIVE SEC OFFICE)	PLSL	793.50
90-1-24-143	ETHNICS QUESTIONS	PLSL	686.00
TOTAL:			11,443.75

SPECIAL LITIGATION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
90-8-6-356	IDAMO DEPARTMENT OF FISH AND GAME V NATIONAL MARINE FISHERIES SERVICE	WILDLIFE	985.00
90-2-4-171	PYRAMID LAKE PAIUTE TRIBE OF INDIANS V WALTER J. HICKEL, SECY OF INTERIOR, ET AL.	GENEAL LIT	661.00
227333	U.S. V ALPINE LAND & RESERVOIR COMPANY	GENEAL LIT	346.00
90-8-6-365	NORTHWEST RESOURCE INFORMATION CENTER, ET AL. V NATIONAL MARINE FISHERIES SERVICE	WILDLIFE	271.00
90-8-6-331	NORTHWEST RESOURCE INFORMATION CENTER V NATIONAL MARINE FISHERIES SERVICE	WILDLIFE	264.00
90-1-0-2535	UNITED TEXAS TRANSMISSION CO. V U.S. ARMY CORPS OF ENGINEERS, GALVESTON DIST., ET AL.	GENEAL LIT	245.00
90-8-6-378	JIM RAMSEY, ET AL. V BROWN, ET AL.	WILDLIFE	211.00
90-8-6-406	ALUMINUM COMPANY OF AMERICA V NATIONAL MARINE FISHERIES SERVICE	WILDLIFE	198.00
90-1-23-3114	CITY NATIONAL BANK OF MIAMI, AS TRUSTEE OF LLOYD MORIER, ET AL. V U.S.	GENEAL LIT	176.00
90-1-23-4120	AMERICAN PETROFINA PIPELINE COMPANY V U.S. ARMY CORPS OF ENGINEERS	GENEAL LIT	103.00
TOTAL:			3,460.00

FY94 SECTION TOP TEN CASES AND CATEGORIES

(* = Superfund)
(Continued)

WILDLIFE AND MARINE RESOURCES SECTION

DJ NUMBER	CASE NAME	CASE SECTION	TOTAL HOURS
90-8-1-718	U.S. V JESUS MALDONADO	WILDLIFE	2,138.75
90-8-6-219	SIERRA CLUB V LUJAN	WILDLIFE	724.50
90-1-4-3806-W	SEATTLE AUDUBON SOCIETY, ET AL. V MIKE ESPY, SECY OF AGRICULTURE, ET AL.	WILDLIFE	694.25
90-1-2-1416-W	WESTLANDS WATER DISTRICT V U.S.	WILDLIFE	686.75
90-8-1-611	U.S. V JESUS MALDONADO	WILDLIFE	680.50
90-8-6-285	PACIFIC NORTHWEST GENERATING COOPERATIVE V FRANKLIN, ET AL.	WILDLIFE	593.00
90-8-6-361	U.S. V HERITAGE ARTS FOUNDATION	WILDLIFE	553.50
90-8-6-310	ENDANGERED SPECIES COMMITTEE OF THE BUILDING INDUSTRY ASSOCIATION OF SOUTHERN CALIFORNIA, ET AL. V BABBITT, ET AL.	WILDLIFE	549.00
90-8-6-369	DEMAR, LTD. V U.S. FISH AND WILDLIFE SERVICE	WILDLIFE	482.50
90-1-4-4007-W	NATIONAL RESOURCES DEFENSE COUNCIL V DEPARTMENT OF THE NAVY & DEPARTMENT OF COMMERCE	WILDLIFE	431.00
		TOTAL:	7,533.75

FY94 DIVISION TIME BY CATEGORY

STATUTE	CASES	HOURS	AVG HOURS PER CASE	% OF TOTAL TIME
CERCLA/SUPERFUND	1,427	257,243.75	180.26	33.07
CLEAN WATER	673	99,434.50	147.74	12.78
RCRA	342	82,354.25	240.80	10.59
CLEAN AIR	482	46,171.25	95.79	5.94
WATER RIGHTS	144	44,744.00	310.72	5.75
TUCKER ACT	220	42,468.75	193.03	5.46
NEPA	205	26,724.50	130.36	3.44
EMINENT DOMAIN	644	24,957.25	38.75	3.21
ENDANGERED SPECIES	288	24,606.25	85.43	3.16
NAT'L FOREST MANAGEMENT	39	14,560.25	373.33	1.87
POLICY ISSUES	85	11,282.75	132.73	1.45
INDIAN/TRIBAL CLAIMS	83	10,036.50	120.92	1.29
NPRSA/OCEAN DUMPING	13	7,617.25	585.94	.98
MINERAL LANDS/LEASES	84	6,872.25	81.81	.88
SAFE DRINKING	79	5,692.50	72.05	.73
DAMAGES/TRESPASS	22	5,395.00	245.22	.69
WILDLIFE MISCELLANEOUS	43	5,349.25	124.40	.69
CONGRESSIONAL ISSUES	5	4,225.75	845.15	.54
INDIAN LAND MANAGEMENT	30	4,197.00	139.90	.54
INDIAN JURISDICTION	14	3,975.00	283.92	.51
OIL POLLUTION	7	2,951.75	421.67	.38
RIVERS & HARBORS	19	2,857.50	150.39	.37
FISHERIES/MARINE RESOURCES	44	2,832.75	64.38	.36
QUIET TITLE	37	2,803.75	75.77	.36
FIFRA	22	2,783.75	126.53	.36
LEGISLATIVE PROJECTS	19	2,596.00	136.63	.33
DIRECT PURCHASE	355	2,232.75	6.28	.29
SURFACE MINING	65	2,181.75	33.56	.28
ENERGY/NUCLEAR WASTE	23	2,017.75	87.72	.26
ALASKA CONSERVATION	17	1,933.75	113.75	.25
LACEY	72	1,821.25	25.29	.23
TOXIC SUBSTANCES CONTROL	38	1,805.25	47.51	.23
FOIA	104	1,708.50	16.42	.22
MARINE MAMMAL	24	1,595.00	66.45	.21
COASTAL ZONE MANAGEMENT	4	1,594.50	398.62	.20
INTERNATIONAL ISSUES	28	1,459.50	52.12	.19
OCSLA	7	1,280.50	182.92	.16
INDIAN GAMBLING	10	1,181.25	118.12	.15
INDIAN TAXATION	6	1,174.25	195.70	.15
MIGRATORY BIRD	38	1,122.00	29.52	.14
ACCOUNTING	7	1,094.75	156.39	.14
GRANTS/PATENTS	13	904.25	69.55	.12
POSSESSION	6	843.50	140.58	.11
LIT SUPPORT MATTERS	9	825.25	91.69	.11
ALASKA NATIVE CLAIMS	12	814.75	67.89	.10

BEST COPY AVAILABLE

FY94
DIVISION TIME BY CATEGORY
(Continued)

STATUTE	CASES	HOURS	AVG HOURS PER CASE	% OF TOTAL TIME
CONSTITUTIONAL ISSUES	2	807.75	403.87	.10
NAT'L PARKS MANAGEMENT	2	621.50	310.75	.08
BALD/GOLDEN EAGLE	5	597.50	119.50	.08
MARPOL PROTOCOL	3	583.50	194.50	.08
HISTORIC PRESERVATION	9	433.25	48.13	.06
ADMIN PROCEDURE	3	341.50	113.83	.04
SUBPOENA	7	314.75	44.96	.04
GRAZING RIGHTS/PERMITS	7	293.75	41.96	.04
FED LAND POLICY MGMT	5	278.00	55.60	.04
GENERAL LIT MISCELLANEOUS	7	252.00	36.00	.03
WILD BIRD CONSERVATION	1	216.00	216.00	.03
LAND CLAIMS	1	163.00	163.00	.02
TORT LIABILITY	2	157.75	78.87	.02
RECLAMATION LAW	3	152.00	50.66	.02
TIMBER CONTRACTS	1	111.50	111.50	.01
CORPS-NAVIGABLE WATERS	1	97.00	97.00	.01
HOBBS ACT	4	81.50	20.37	.01
2410 CONDEMNATION	2	39.00	19.50	.01
AIRPORT MATTERS	2	34.00	17.00	.00
AMICUS	2	30.00	15.00	.00
DESCENT & DISTRIBUTION	1	4.00	4.00	.00
INDIAN HUNTING & FISHING	1	3.00	3.00	.00
ABANDONED SHIPWRECKS	1	2.50	2.50	.00
UNIFORM RELOCATION ACT	1	2.00	2.00	.00
FRAUD/COVERUP	1	.50	.50	.00
TOTAL:	5,982	777,941.25	130.04	100.00

FY92 - FY94 DIVISION TIME BY CATEGORY

STATUTE	CASES	HOURS	AVG HOURS PER CASE	% OF TOTAL TIME
CERCLA/SUPERFUND	2,277	818,453.50	359.44	35.82
CLEAN WATER	1,319	282,507.25	214.18	12.36
RCRA	643	198,515.75	308.73	8.69
CLEAN AIR	896	147,004.50	164.06	6.43
WATER RIGHTS	195	138,814.25	711.86	6.07
TUCKER ACT	320	109,998.00	343.74	4.81
NEPA	379	84,959.50	224.16	3.72
EMINENT DOMAIN	1,907	81,326.25	42.64	3.56
ENDANGERED SPECIES	500	60,527.50	121.05	2.65
INDIAN/TRIBAL CLAIMS	163	35,529.50	217.97	1.55
NAT'L FOREST MANAGEMENT	64	32,513.75	508.02	1.42
NPRSA/OCEAN DUMPING	18	20,516.50	1,139.80	.90
MINERAL LANDS/LEASES	151	19,832.00	131.33	.87
POLICY ISSUES	150	19,687.25	131.24	.86
SAFE DRINKING	121	17,162.25	141.83	.75
INDIAN LAND MANAGEMENT	56	16,806.75	300.12	.74
FIFRA	54	16,182.00	299.66	.71
DAMAGES/TRESPASS	57	14,705.75	257.99	.64
FISHERIES/MARINE RESOURCES	126	10,113.50	80.26	.44
SURFACE MINING	152	9,918.00	65.25	.43
QUIET TITLE	88	9,656.50	109.73	.42
WILDLIFE MISCELLANEOUS	70	9,569.00	136.70	.42
ENERGY/NUCLEAR WASTE	57	8,775.00	153.94	.38
MARINE MAMMAL	48	8,012.25	166.92	.35
CONGRESSIONAL ISSUES	6	7,980.25	1,330.04	.35
RIVERS & HARBORS	79	7,725.25	97.78	.34
INTERNATIONAL ISSUES	43	7,103.00	165.18	.31
INDIAN JURISDICTION	19	6,971.50	366.92	.31
OIL POLLUTION	12	6,933.75	577.81	.30
LACEY	167	6,070.50	36.35	.27
TOXIC SUBSTANCES CONTROL	73	5,853.00	80.18	.26
LEGISLATIVE PROJECTS	49	5,748.25	117.31	.25
DIRECT PURCHASE	719	5,620.00	7.81	.25
OCSLA	14	4,873.25	348.08	.21
LIT SUPPORT MATTERS	10	4,326.25	432.62	.19
ACCOUNTING	14	4,291.75	306.55	.19
ALASKA CONSERVATION	24	4,065.75	169.40	.18
FOIA	189	3,812.75	20.17	.17
INDIAN TAXATION	7	3,455.50	493.64	.15
INDIAN GAMBLING	20	2,720.00	136.00	.12
MIGRATORY BIRD	69	2,494.50	36.15	.11
GRANTS/PATENTS	17	2,108.00	124.00	.09
POSSESSION	10	2,049.50	204.95	.09
COASTAL ZONE MANAGEMENT	6	1,895.50	315.91	.08
ALASKA NATIVE CLAIMS	18	1,742.50	96.80	.08

FY92 - FY94

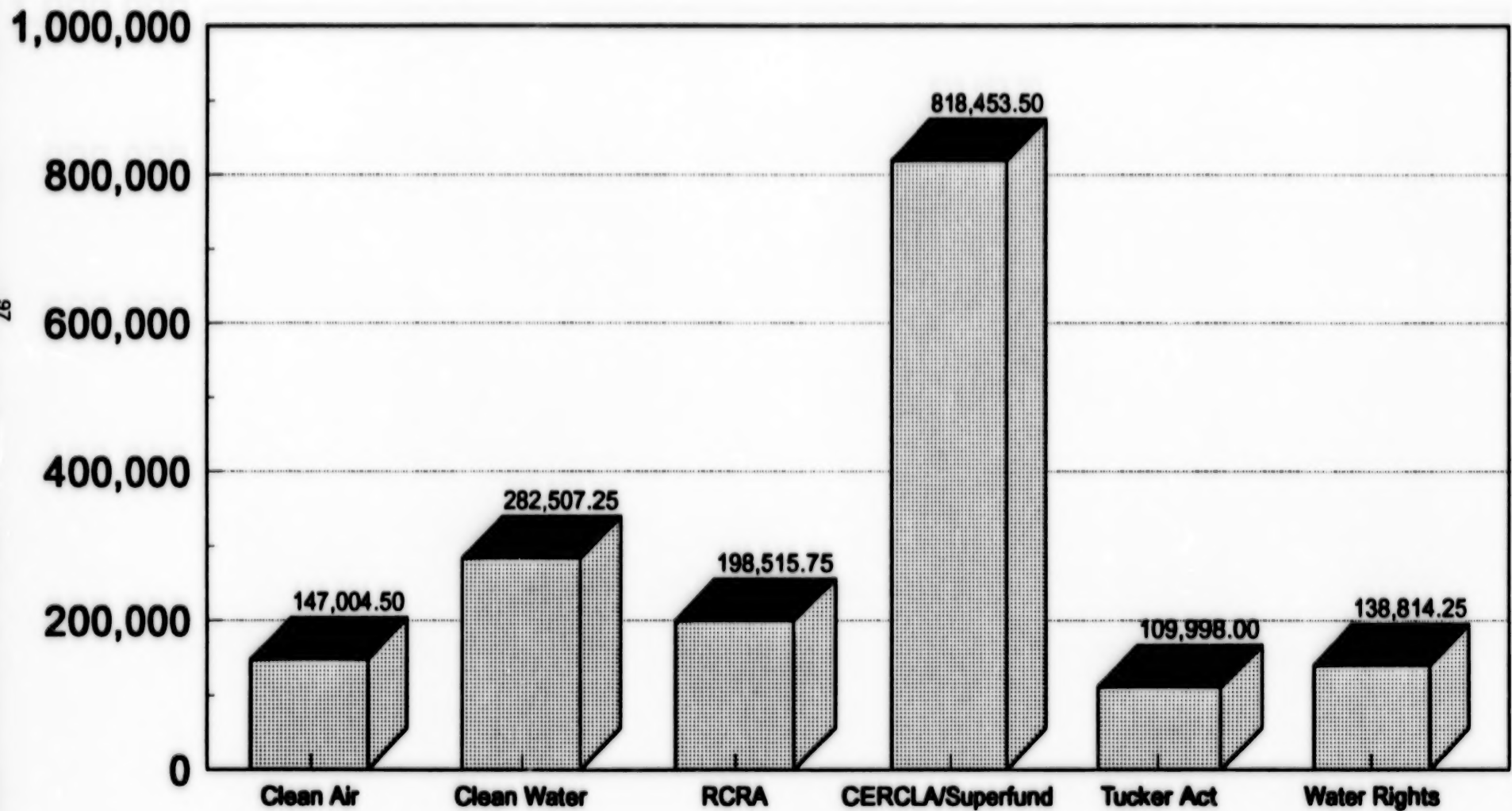
DIVISION TIME BY CATEGORY

(Continued)

STATUTE	CASES	HOURS	AVG HOURS PER CASE	% OF TOTAL TIME
GRAZING RIGHTS/PERMITS	11	1,627.00	147.90	.07
HISTORIC PRESERVATION	15	1,574.50	104.96	.07
RECLAMATION LAW	5	1,076.50	215.30	.05
FED LAND POLICY MGMT	9	1,063.00	118.11	.05
CORPS-NAVIGABLE WATERS	6	920.00	153.33	.04
BALD/GOLDEN EAGLE	10	886.25	88.62	.04
CONSTITUTIONAL ISSUES	3	867.25	289.08	.04
NAT'L PARKS MANAGEMENT	7	861.50	123.07	.04
ADMIN PROCEDURE	12	670.25	55.85	.03
MARPOL PROTOCOL	4	650.25	162.56	.03
FRAUD/COVERUP	1	646.00	646.00	.03
TORT LIABILITY	4	597.75	149.43	.03
AIRPORT MATTERS	6	486.00	81.00	.02
NOISE CONTROL	4	445.50	111.37	.02
2410 CONDEMNATION	11	392.00	35.63	.02
SUBPOENA	10	380.50	38.05	.02
GENERAL LIT MISCELLANEOUS	19	369.50	19.44	.02
STATE TAKINGS	1	306.50	306.50	.01
ABANDONED SHIPWRECKS	4	292.25	73.06	.01
HOBBS ACT	8	285.00	35.62	.01
EE CIVIL MATTERS	1	268.75	268.75	.01
LAND CLAIMS	3	246.25	82.08	.01
DESCENT & DISTRIBUTION	4	243.75	60.93	.01
TIMBER CONTRACTS	4	225.75	56.43	.01
CONVEYANCE CONTRACTS	5	217.50	43.50	.01
WILD BIRD CONSERVATION	1	216.00	216.00	.01
INDIAN HUNTING & FISHING	1	127.50	127.50	.01
RENTS/EVICTIONS	5	109.00	21.80	.00
JUDICIAL PROCEDURE	1	61.50	61.50	.00
ZONING/PUBLIC BUILDINGS	4	40.50	10.12	.00
PERJURY	1	35.50	35.50	.00
AMICUS	2	30.00	15.00	.00
INDIAN TRUST FUNDS	1	26.00	26.00	.00
UNIFORM RELOCATION ACT	3	8.50	2.83	.00
OTHER	1	7.00	7.00	.00
TAXES	1	2.00	2.00	.00
FWP/CA	1	1.00	1.00	.00
TOTAL LAST THREE YEARS:	11,565	2,285,191.25	197.59	100.00

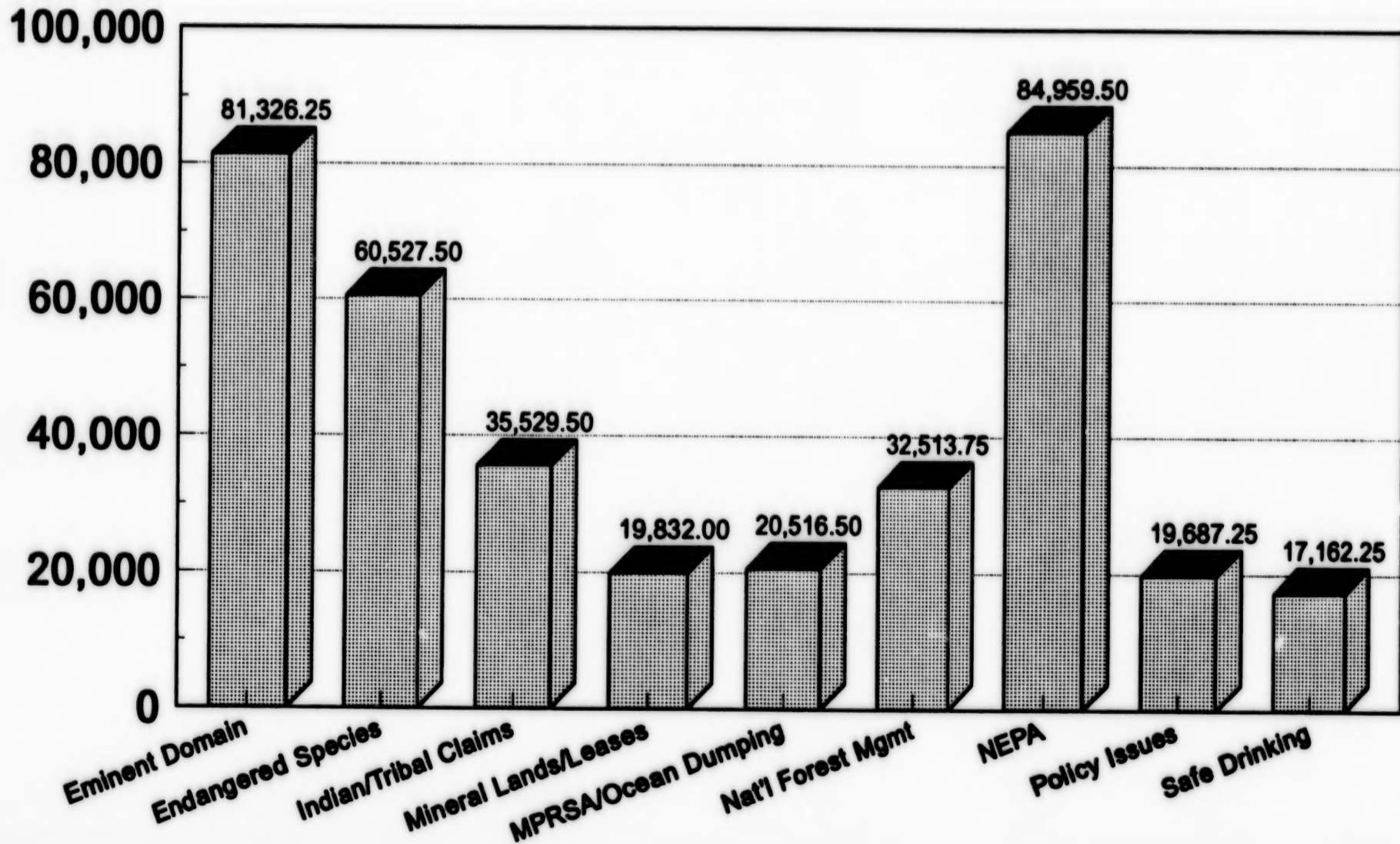
FY92 - FY94 DIVISION TIME BY CATEGORY

Over 100,000 Hours



FY92 - FY94 DIVISION TIME BY CATEGORY

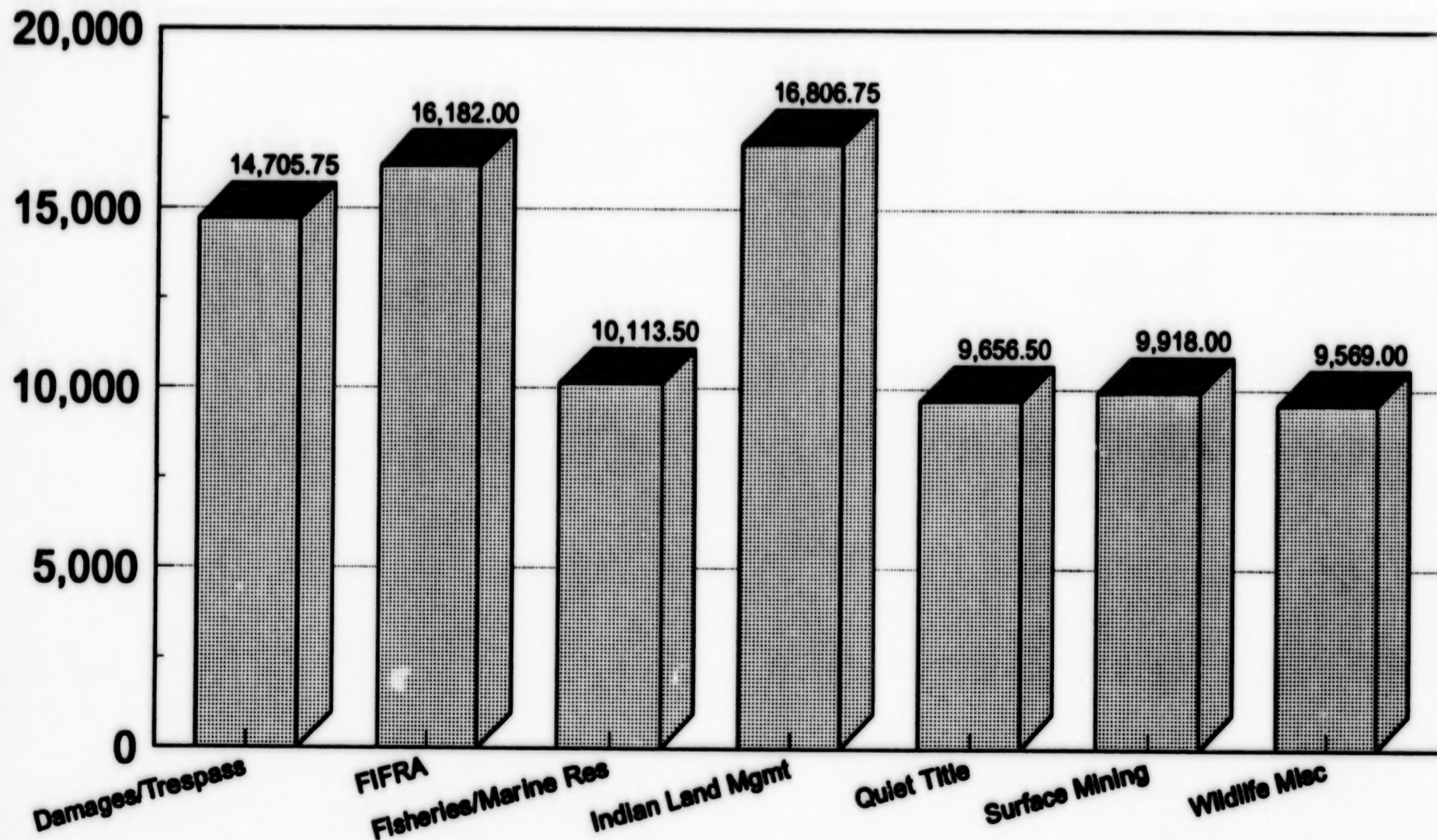
17,000 to Less Than 100,000 Hours



98

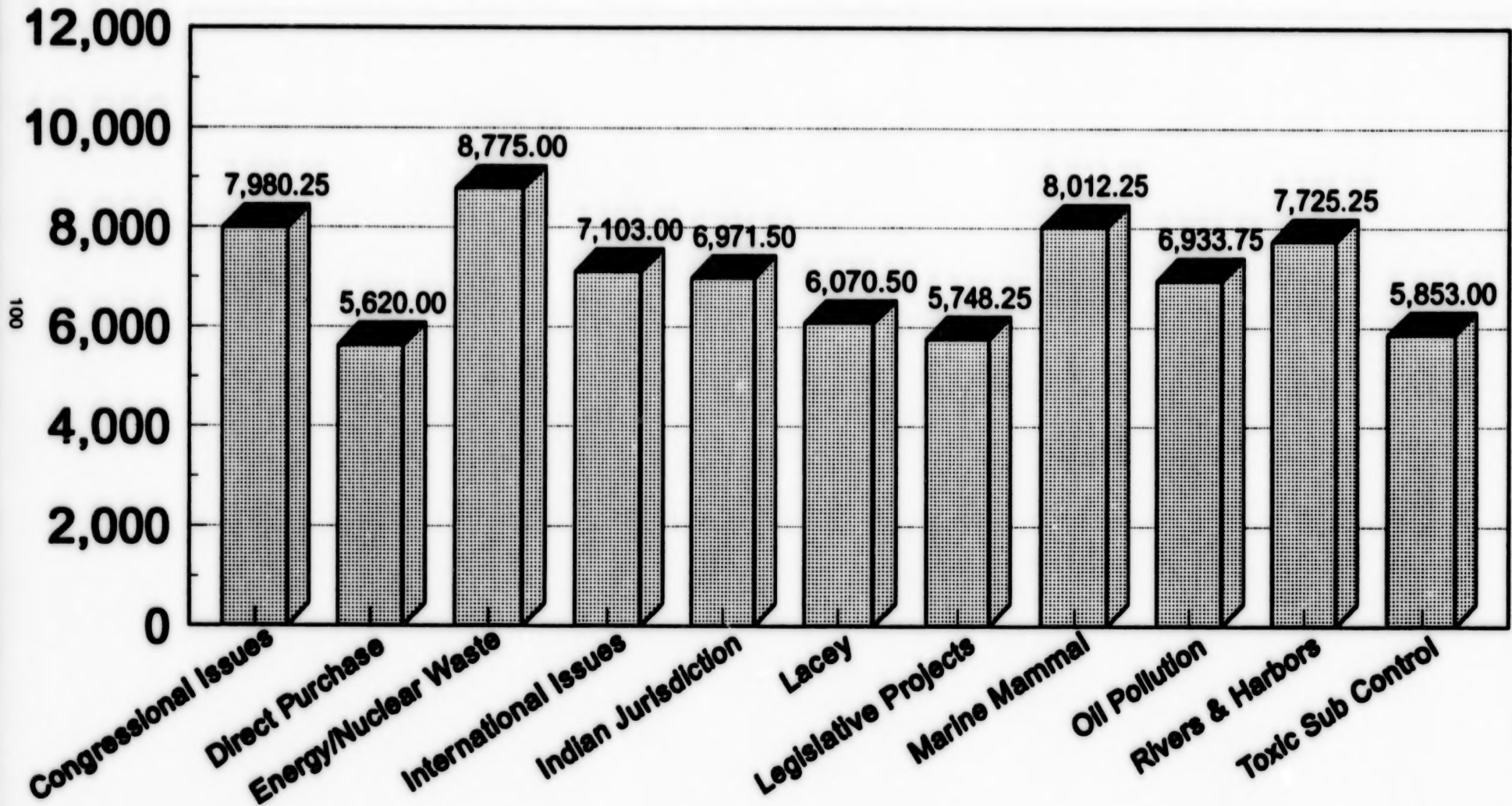
FY92 - FY94 DIVISION TIME BY CATEGORY

9,000 to Less Than 17,000 Hours



FY92 - FY94 DIVISION TIME BY CATEGORY

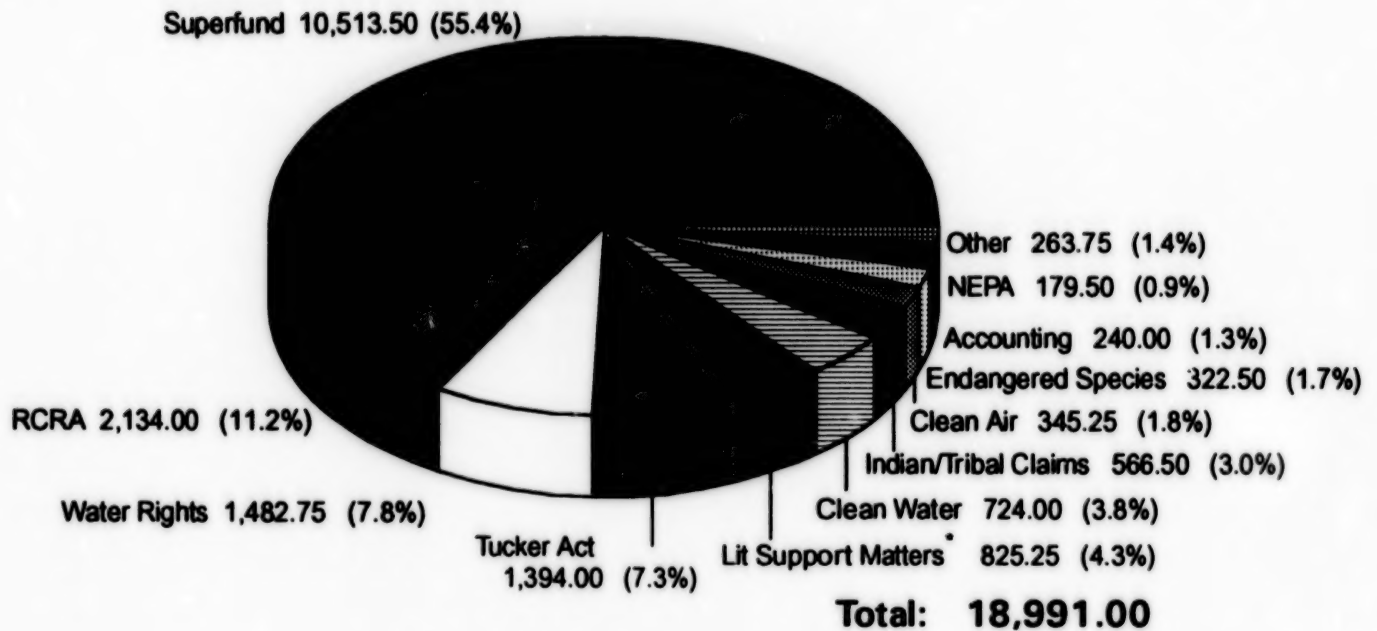
5,000 to Less Than 9,000 Hours



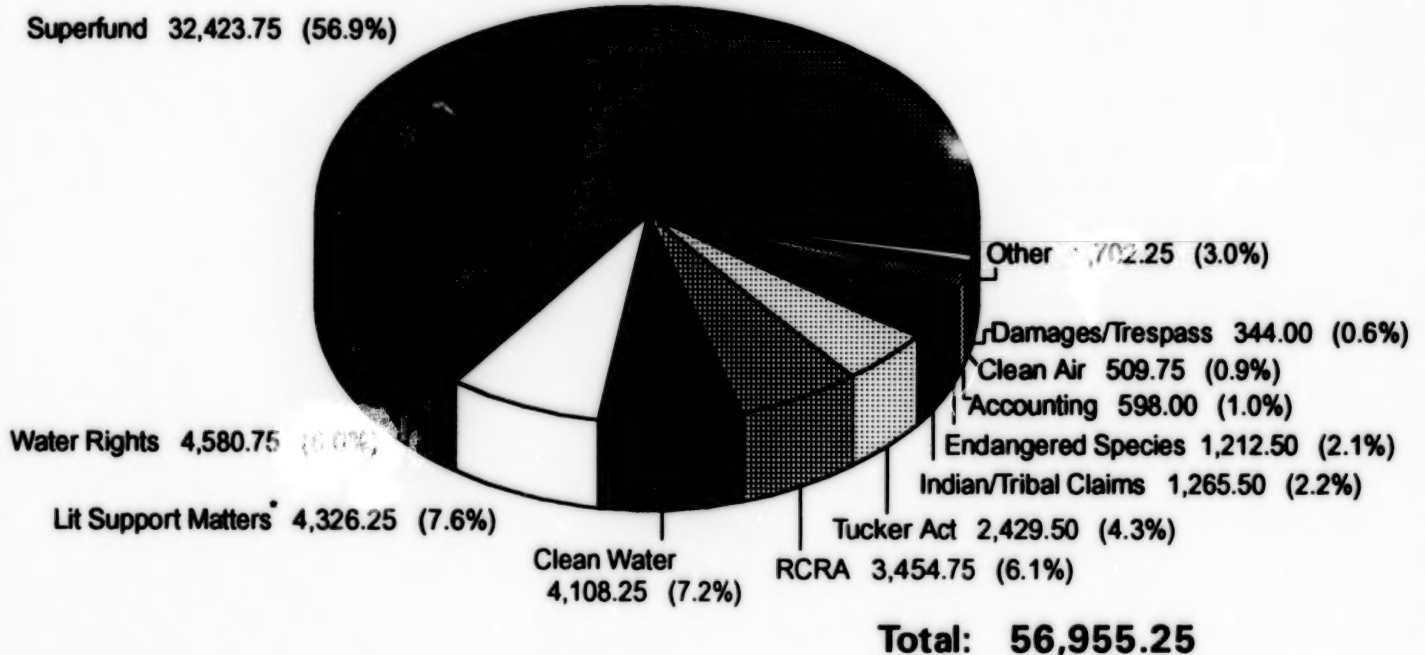
104

ATTORNEY AND PARALEGAL TIME BY CATEGORY ADMINISTRATION (LITIGATION SUPPORT)

FY94



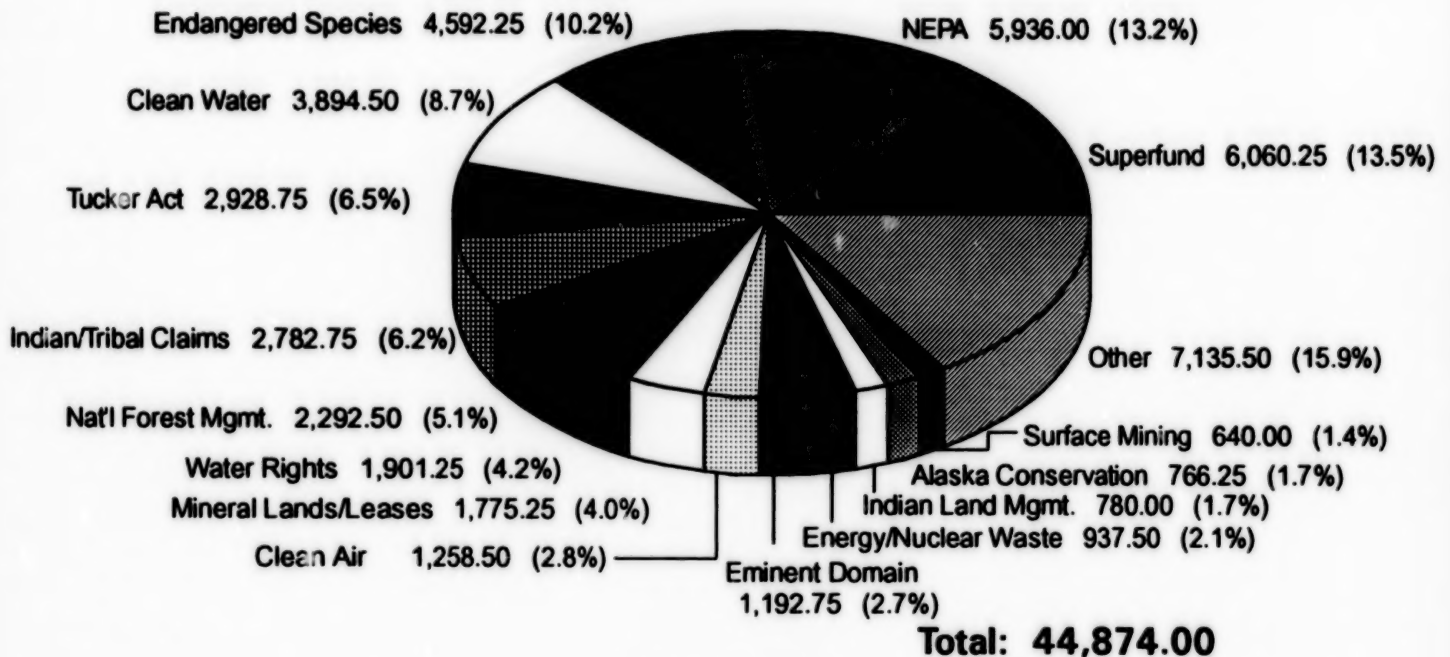
FY92-FY94



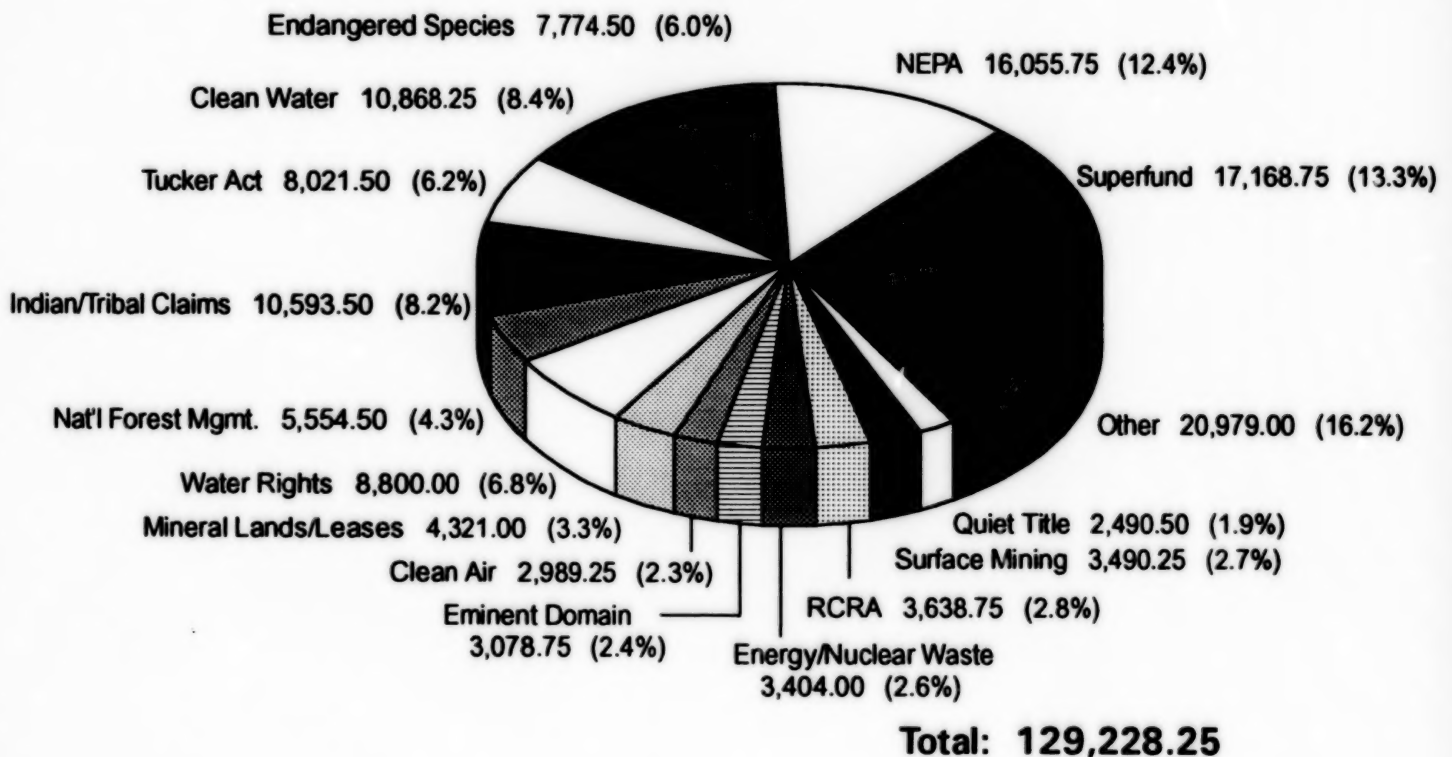
* Includes time billed to cases and matters in other legal divisions and client agencies.

ATTORNEY AND PARALEGAL TIME BY CATEGORY APPELLATE SECTION

FY94

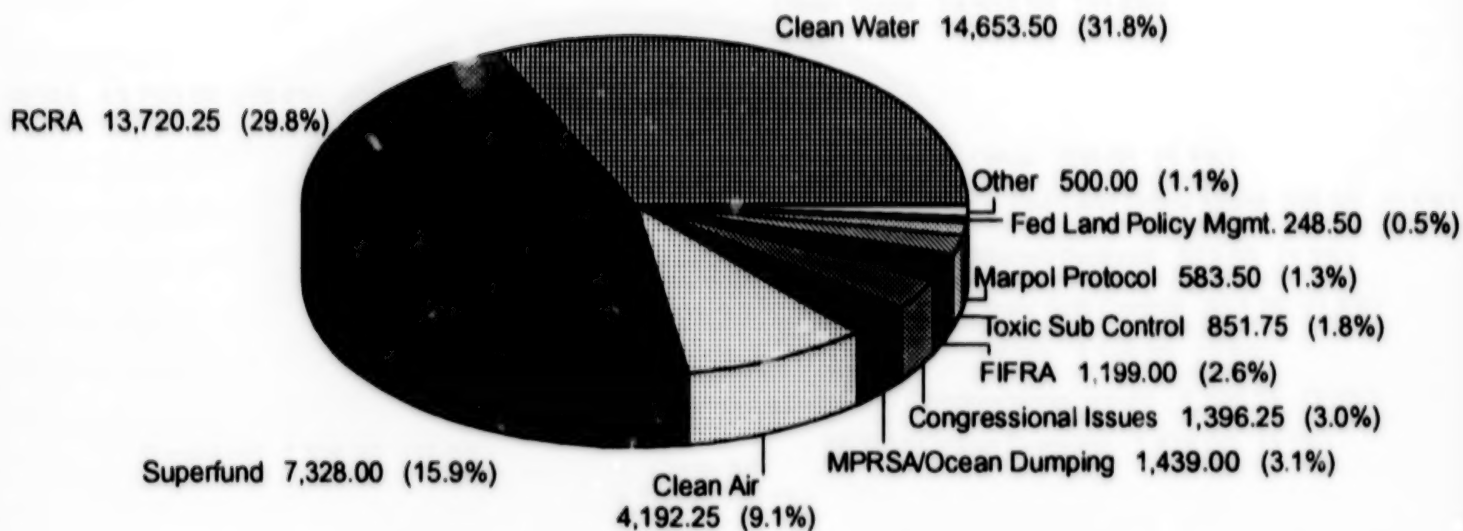


FY92-FY94



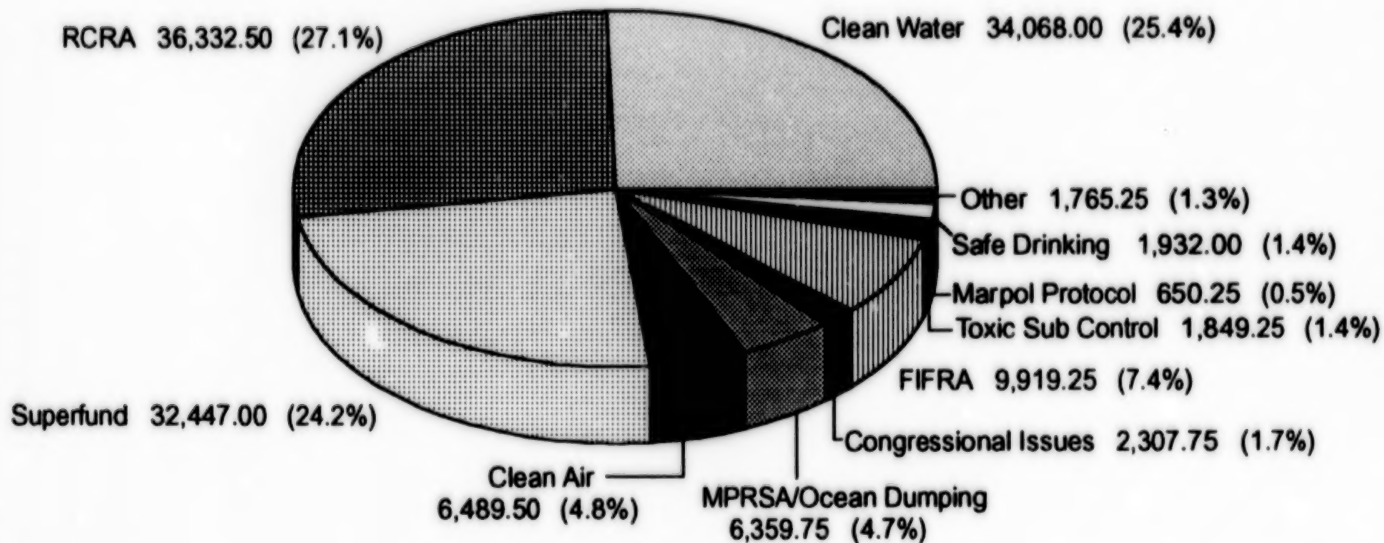
ATTORNEY AND PARALEGAL TIME BY CATEGORY ENVIRONMENTAL CRIMES SECTION

FY94



Total: 46,112.00

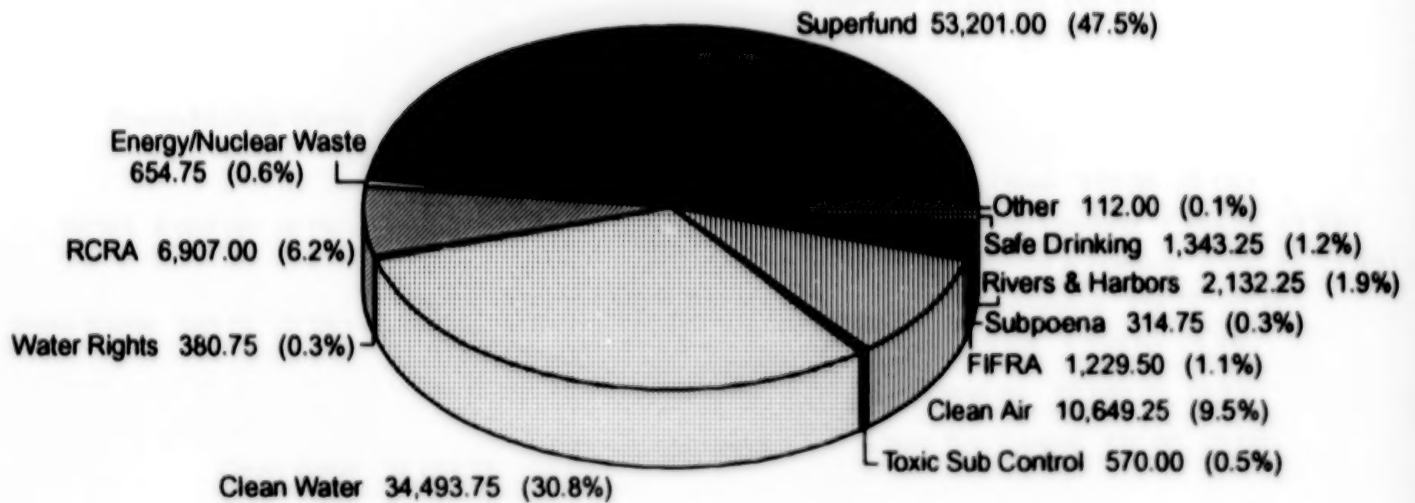
FY92-FY94



Total: 134,120.50

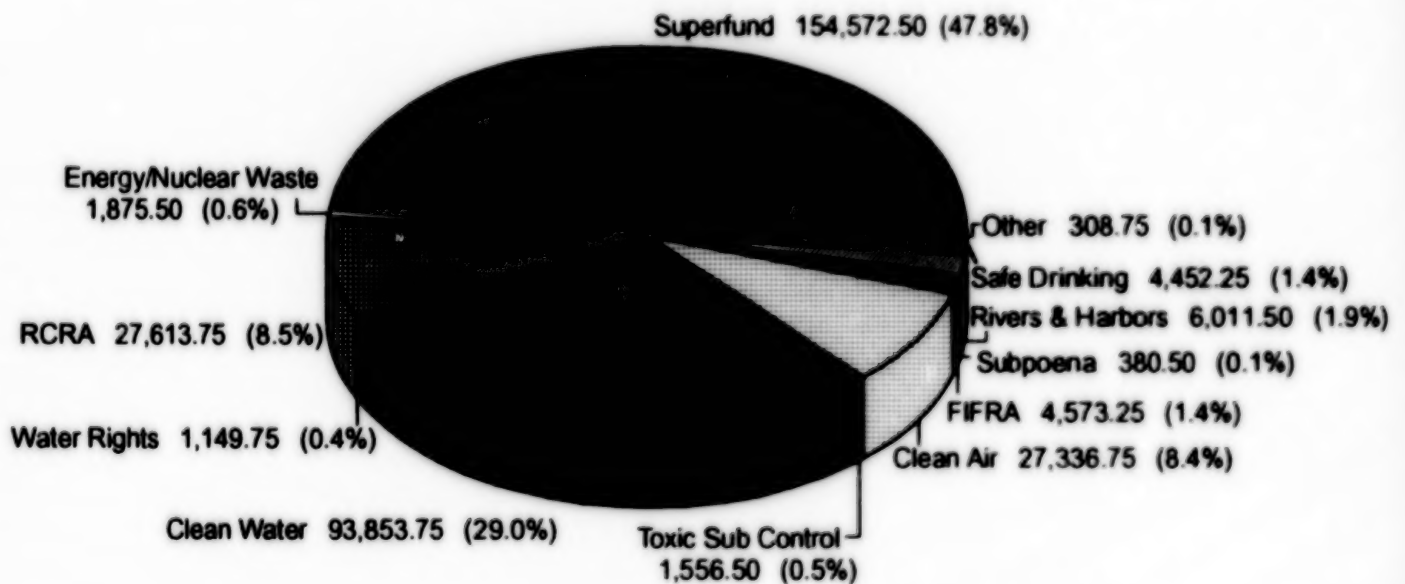
ATTORNEY AND PARALEGAL TIME BY CATEGORY ENVIRONMENTAL DEFENSE SECTION

FY94



Total: 111,988.25

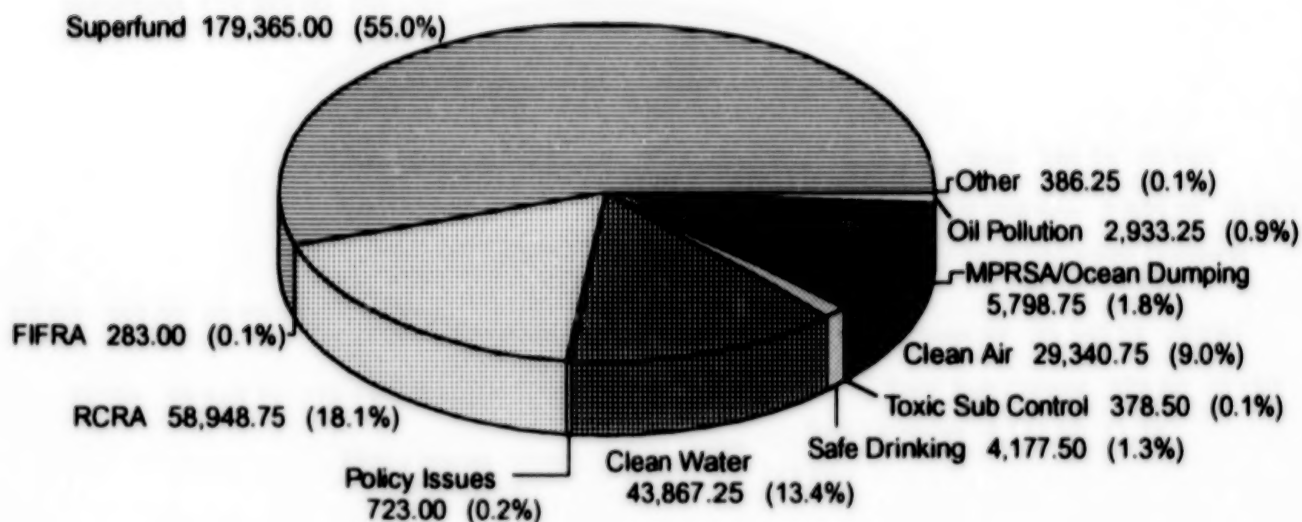
FY92-FY94



Total: 323,684.75

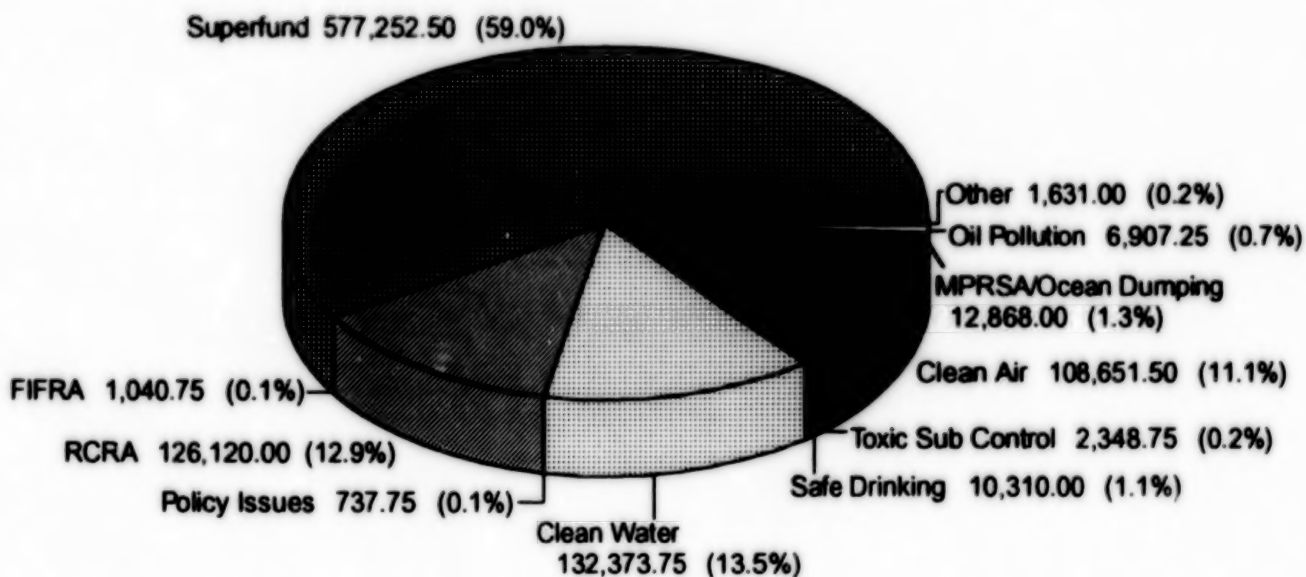
ATTORNEY AND PARALEGAL TIME BY CATEGORY ENVIRONMENTAL ENFORCEMENT SECTION

FY94



Total: 326,202.00

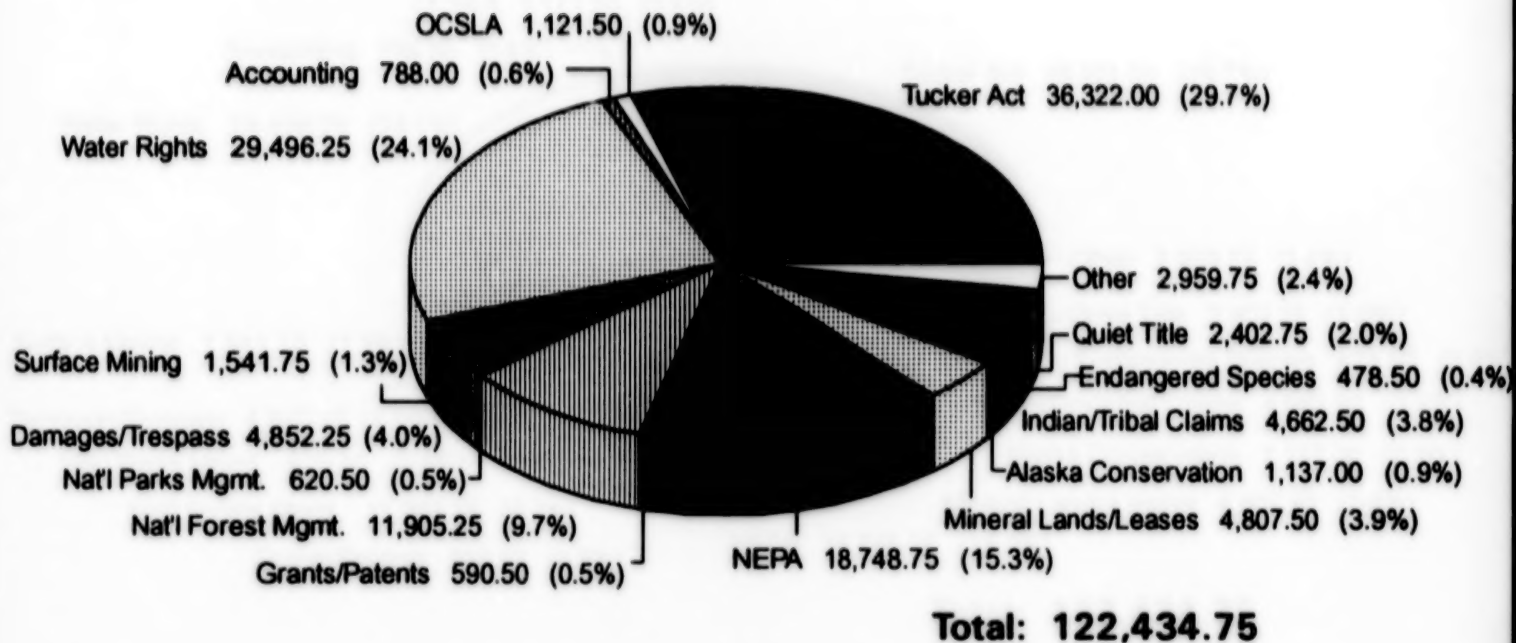
FY92-FY94



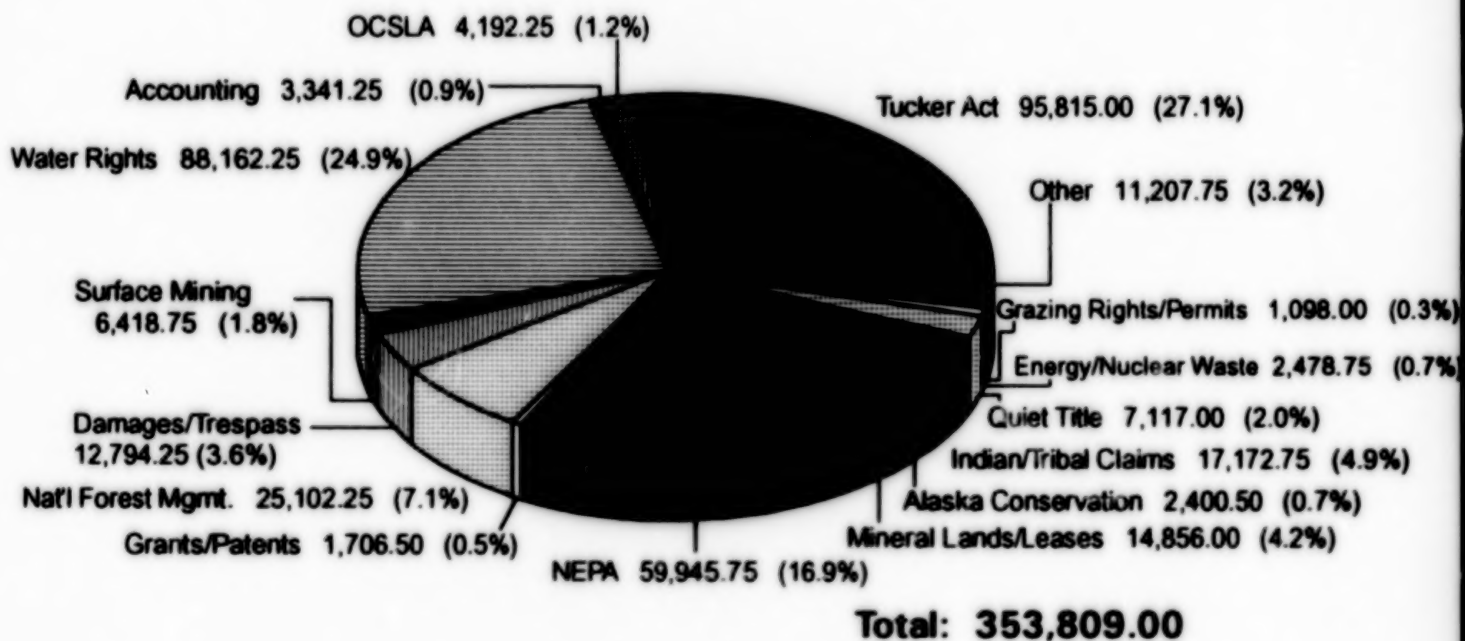
Total: 980,241.25

ATTORNEY AND PARALEGAL TIME BY CATEGORY GENERAL LITIGATION SECTION

FY94

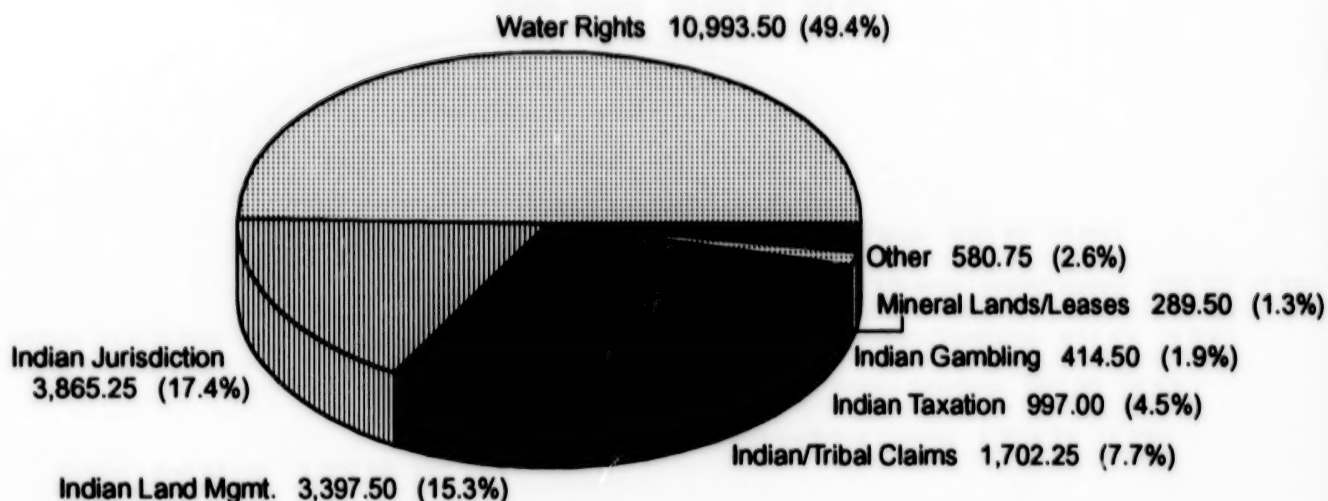


FY92-FY94



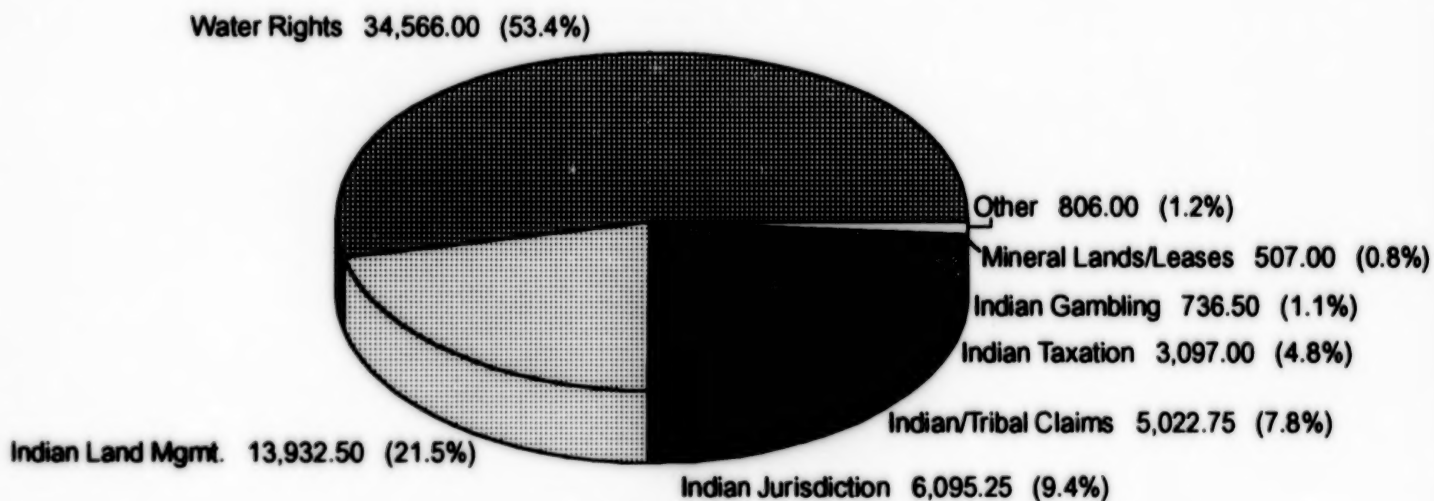
ATTORNEY AND PARALEGAL TIME BY CATEGORY INDIAN RESOURCES SECTION

FY94



Total: 22,240.25

FY92-FY94

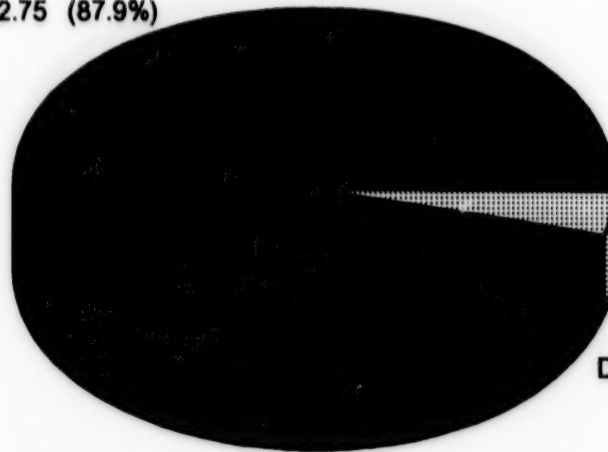


Total: 64,763.00

**ATTORNEY AND PARALEGAL
TIME BY CATEGORY
LAND ACQUISITION SECTION**

FY94

Eminent Domain 23,702.75 (87.9%)



Other 66.50 (0.2%)

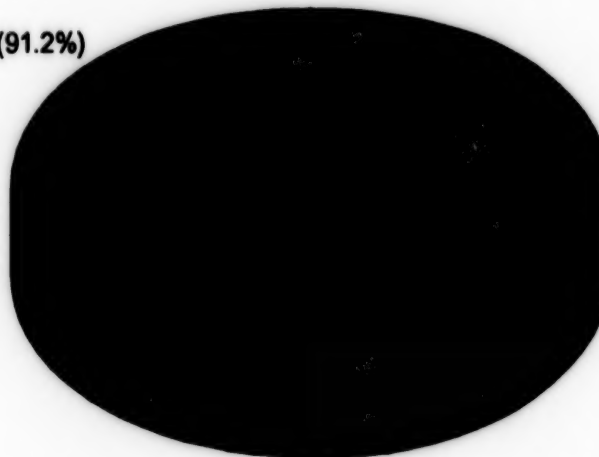
Tucker Act 1,045.00 (3.9%)

Direct Purchase 2,154.25 (8.0%)

Total: 26,968.50

FY92-FY94

Eminent Domain 77,737.25 (91.2%)



Other 256.00 (0.3%)

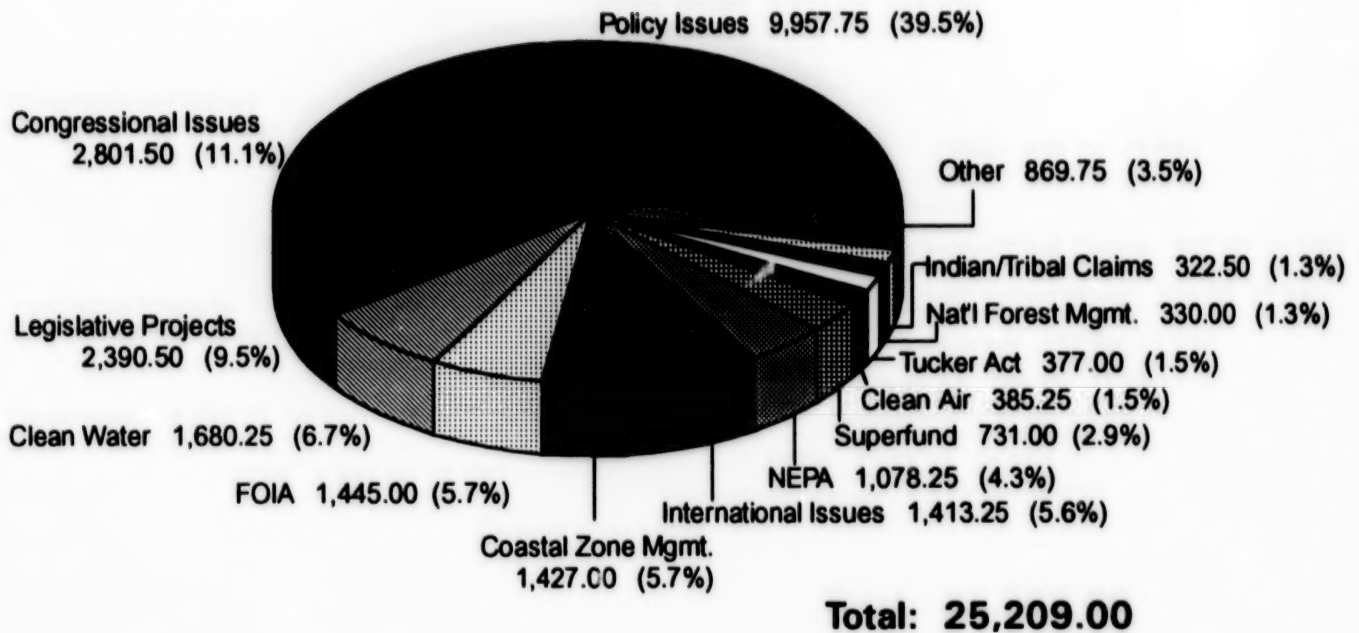
Tucker Act 1,733.75 (2.0%)

Direct Purchase 5,541.00 (6.5%)

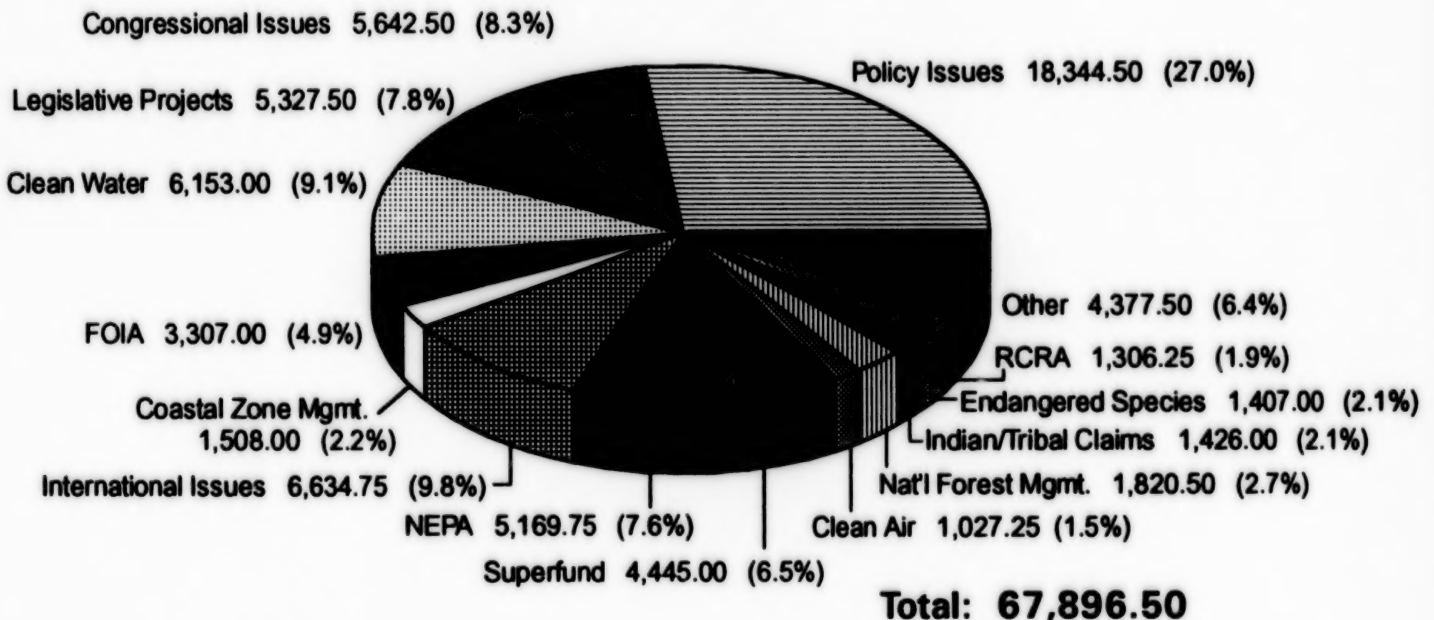
Total: 85,268.00

ATTORNEY AND PARALEGAL TIME BY CATEGORY PLSL SECTION

FY94



FY92-FY94

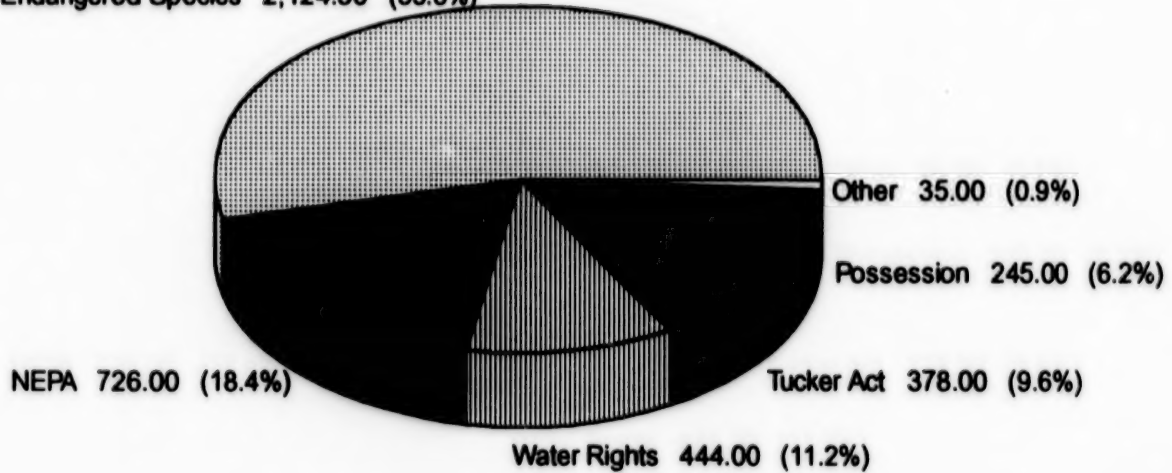


Includes time billed to cases and matters residing in the Division's case tracking system.

ATTORNEY AND PARALEGAL TIME BY CATEGORY SPECIAL LITIGATION

FY94

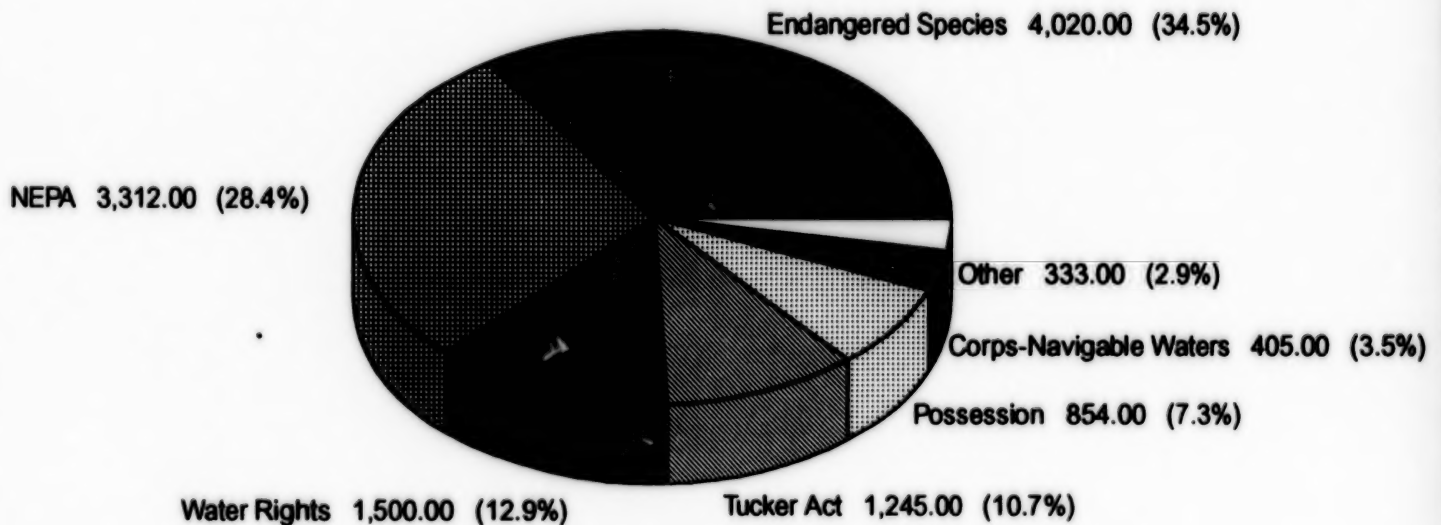
Endangered Species 2,124.50 (53.8%)



Total: 3,952.50

FY92-FY94

Endangered Species 4,020.00 (34.5%)

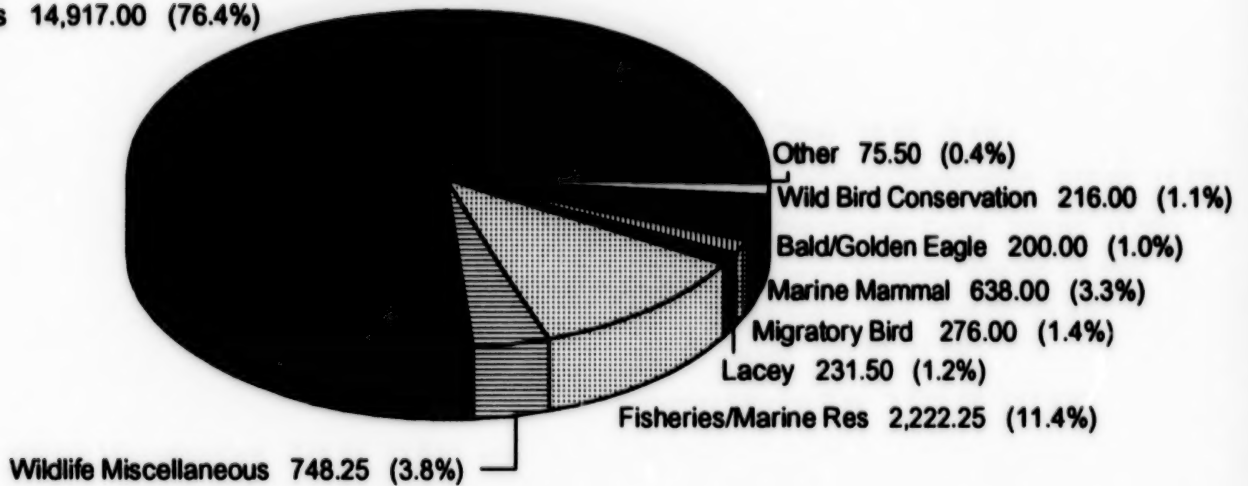


Total: 11,669.00

**ATTORNEY AND PARALEGAL
TIME BY CATEGORY
WILDLIFE AND MARINE RESOURCES SECTION
(Civil Cases)**

FY94

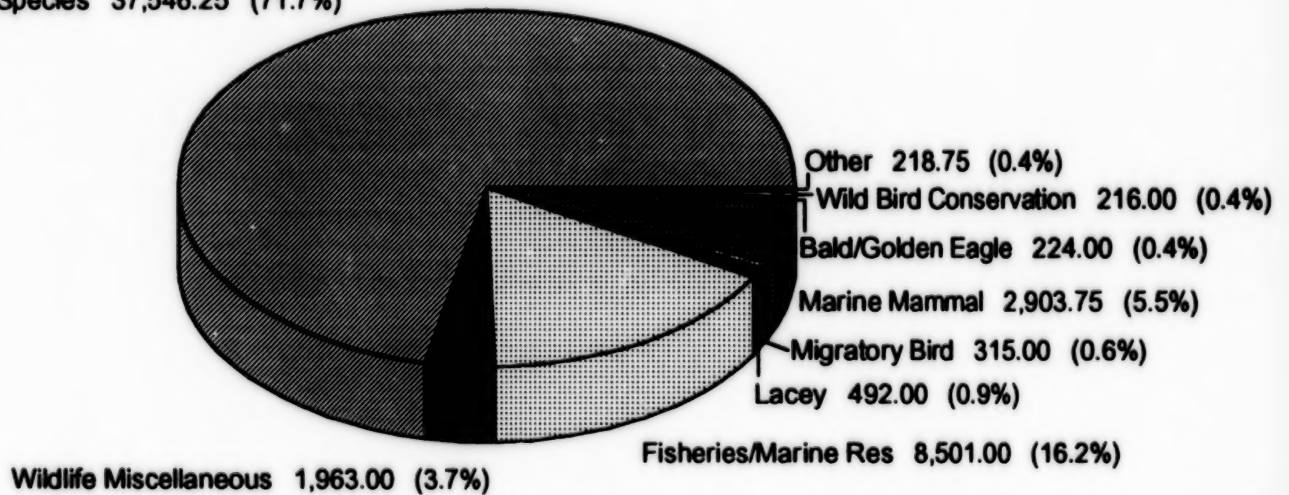
Endangered Species 14,917.00 (76.4%)



Total: 19,524.50

FY92-FY94

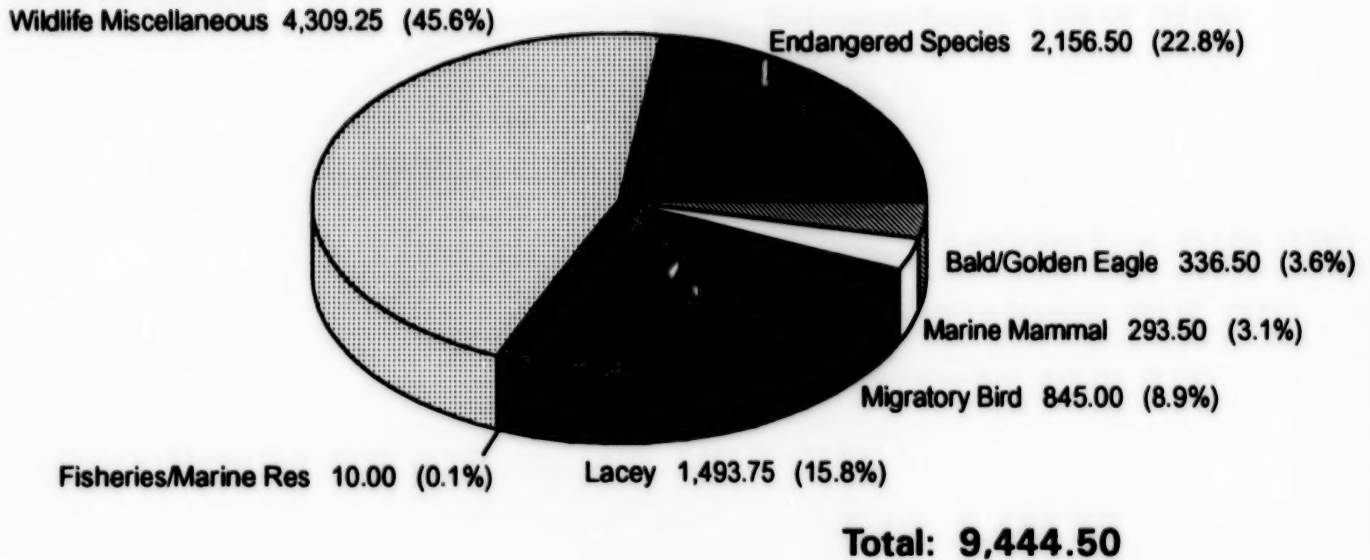
Endangered Species 37,546.25 (71.7%)



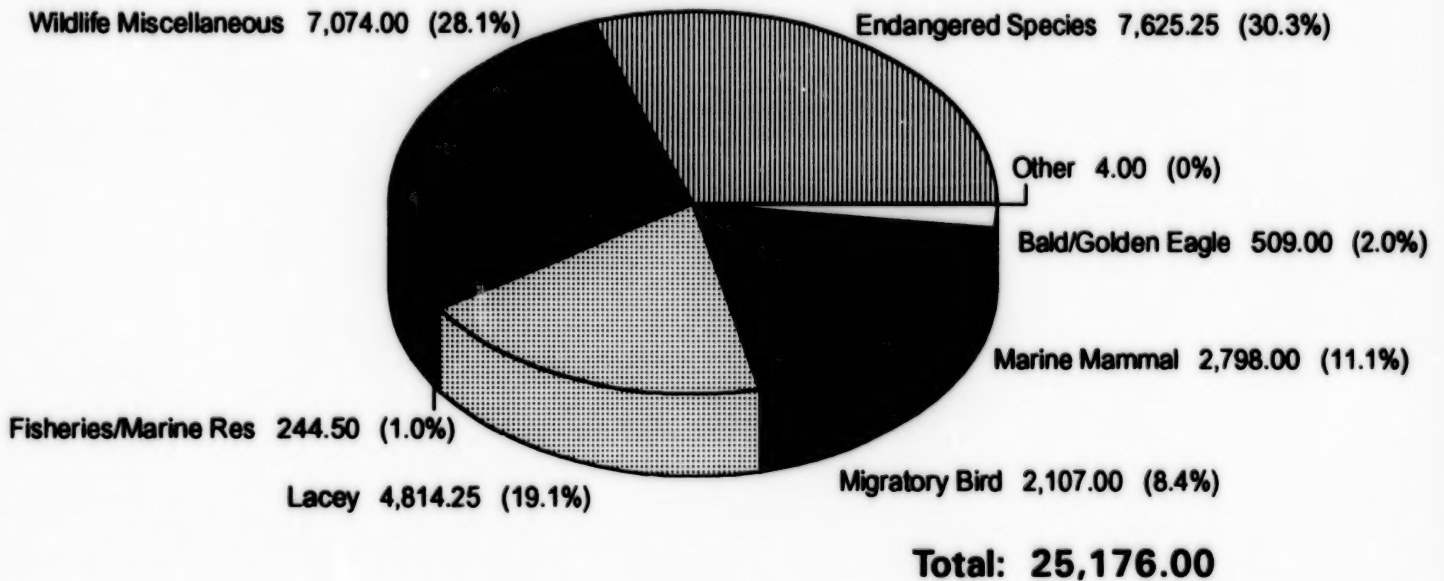
Total: 52,379.75

**ATTORNEY AND PARALEGAL
TIME BY CATEGORY
WILDLIFE AND MARINE RESOURCES SECTION
(Criminal Cases)**

FY94



FY92-FY94



FY94 SECTION ATTORNEY AND PARALEGAL TIME

(Time Sections Spent on Its Cases and on Cases Assigned to Other Sections)

(A case is counted once for each section working on it)

ADMINISTRATION (Litigation Support)

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
APPELLATE (ORIGINAL)	1.00	5.00	5.00
ENVIRONMENTAL CRIMES	16.00	1,205.50	75.34
ENVIRONMENTAL DEFENSE	34.00	2,627.00	77.26
ENVIRONMENTAL ENFORCEMENT	97.00	9,900.50	102.07
GENERAL LITIGATION	15.00	2,656.25	177.08
INDIAN RESOURCES	3.00	1,253.00	417.67
LAND ACQUISITION	2.00	44.75	22.38
PLSL	1.00	5.00	5.00
WILDLIFE	5.00	322.75	64.55
OTHER	11.00	971.25*	88.30
TOTAL:	185.00	18,991.00	102.65

APPELLATE SECTION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
APPELLATE (ORIGINAL)	54.00	3,474.25	64.34
ENVIRONMENTAL CRIMES	21.00	1,394.00	66.38
ENVIRONMENTAL DEFENSE	73.00	5,873.25	80.46
ENVIRONMENTAL ENFORCEMENT	49.00	4,984.75	101.73
GENERAL LITIGATION	229.00	18,767.50	81.95
INDIAN RESOURCES	16.00	3,073.75	192.11
LAND ACQUISITION	18.00	1,192.75	66.26
PLSL	12.00	264.50	22.04
WILDLIFE	74.00	5,849.25	79.04
TOTAL:	546.00	44,874.00	82.19

ENVIRONMENTAL CRIMES SECTION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
ENVIRONMENTAL CRIMES	275.00	45,679.00	166.11
ENVIRONMENTAL ENFORCEMENT	2.00	55.00	27.50
GENERAL LITIGATION	1.00	2.00	2.00
PLSL	16.00	376.00	23.50
TOTAL:	294.00	46,112.00	156.84

* Includes time billed to cases and matters in other legal divisions and client agencies.

FY94

SECTION ATTORNEY AND PARALEGAL TIME

(Time Sections Spent on Its Cases and on Cases Assigned to Other Sections)

(Continued)

(A case is counted once for each section working on it)

ENVIRONMENTAL DEFENSE SECTION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
APPELLATE (ORIGINAL)	2.00	10.50	5.25
ENVIRONMENTAL DEFENSE	1,038.00	110,612.00	106.56
ENVIRONMENTAL ENFORCEMENT	41.00	877.00	21.39
GENERAL LITIGATION	2.00	388.75	194.38
PLSL	13.00	100.00	7.69
TOTAL:	1,096.00	111,988.25	102.18

ENVIRONMENTAL ENFORCEMENT SECTION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
APPELLATE (ORIGINAL)	2.00	81.50	40.75
ENVIRONMENTAL DEFENSE	114.00	1,916.25	16.81
ENVIRONMENTAL ENFORCEMENT	1,648.00	323,251.25	196.15
GENERAL LITIGATION	4.00	61.50	15.38
PLSL	55.00	886.50	16.12
WILDLIFE	1.00	5.00	5.00
TOTAL:	1,824.00	326,202.00	178.84

GENERAL LITIGATION SECTION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
APPELLATE (ORIGINAL)	1.00	430.75	430.75
ENVIRONMENTAL DEFENSE	7.00	81.75	11.68
GENERAL LITIGATION	831.00	120,335.50	144.81
INDIAN RESOURCES	15.00	833.75	55.58
PLSL	2.00	273.00	136.50
WILDLIFE	6.00	480.00	80.00
TOTAL:	862.00	122,434.75	142.04

FY94
SECTION ATTORNEY AND PARALEGAL TIME
 (Time Sections Spent on Its Cases and on Cases Assigned to Other Sections)
 (Continued)

(A case is counted once for each section working on it)

INDIAN RESOURCES SECTION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
APPELLATE (ORIGINAL)	1.00	19.00	19.00
ENVIRONMENTAL DEFENSE	1.00	70.00	70.00
GENERAL LITIGATION	4.00	411.50	102.88
INDIAN RESOURCES	86.00	21,532.75	250.38
PLSL	2.00	120.00	60.00
WILDLIFE	1.00	87.00	87.00
TOTAL:	95.00	22,240.25	234.11

LAND ACQUISITION SECTION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
ENVIRONMENTAL ENFORCEMENT	2.00	22.50	11.25
GENERAL LITIGATION	13.00	1,052.50	80.96
LAND ACQUISITION	988.00	25,857.00	26.17
PLSL	4.00	36.50	9.13
TOTAL:	1,007.00	26,968.50	26.78

PLSL SECTION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
APPELLATE (ORIGINAL)	9.00	776.75	86.31
ENVIRONMENTAL DEFENSE	15.00	884.50	58.97
ENVIRONMENTAL ENFORCEMENT	14.00	557.00	39.79
GENERAL LITIGATION	32.00	3,309.25	103.41
LAND ACQUISITION	1.00	9.00	9.00
PLSL	211.00	19,556.50	92.68
WILDLIFE	5.00	116.00	23.20
TOTAL:	287.00	25,209.00	87.84

FY94

SECTION ATTORNEY AND PARALEGAL TIME

(Time Sections Spent on Its Cases and on Cases Assigned to Other Sections)
(Continued)

(A case is counted once for each section working on it)

SPECIAL LITIGATION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
APPELLATE (Original)	1.00	6.00	6.00
ENVIRONMENTAL DEFENSE	1.00	8.00	8.00
ENVIRONMENTAL ENFORCEMENT	1.00	3.00	3.00
GENERAL LITIGATION	16.00	1,711.00	106.94
INDIAN RESOURCES	1.00	98.00	98.00
LAND ACQUISITION	2.00	8.00	4.00
WILDLIFE	16.00	2,118.50	132.41
TOTAL:	38.00	3,952.50	104.01

WILDLIFE AND MARINE RESOURCES SECTION

SECTION	CASES	TOTAL HOURS	AVG HOURS/CASE
APPELLATE (ORIGINAL)	2.00	11.00	5.50
GENERAL LITIGATION	5.00	71.00	14.20
PLSL	4.00	4.50	1.13
WILDLIFE	487.00	28,882.50	59.31
TOTAL:	498.00	28,969.00	58.17

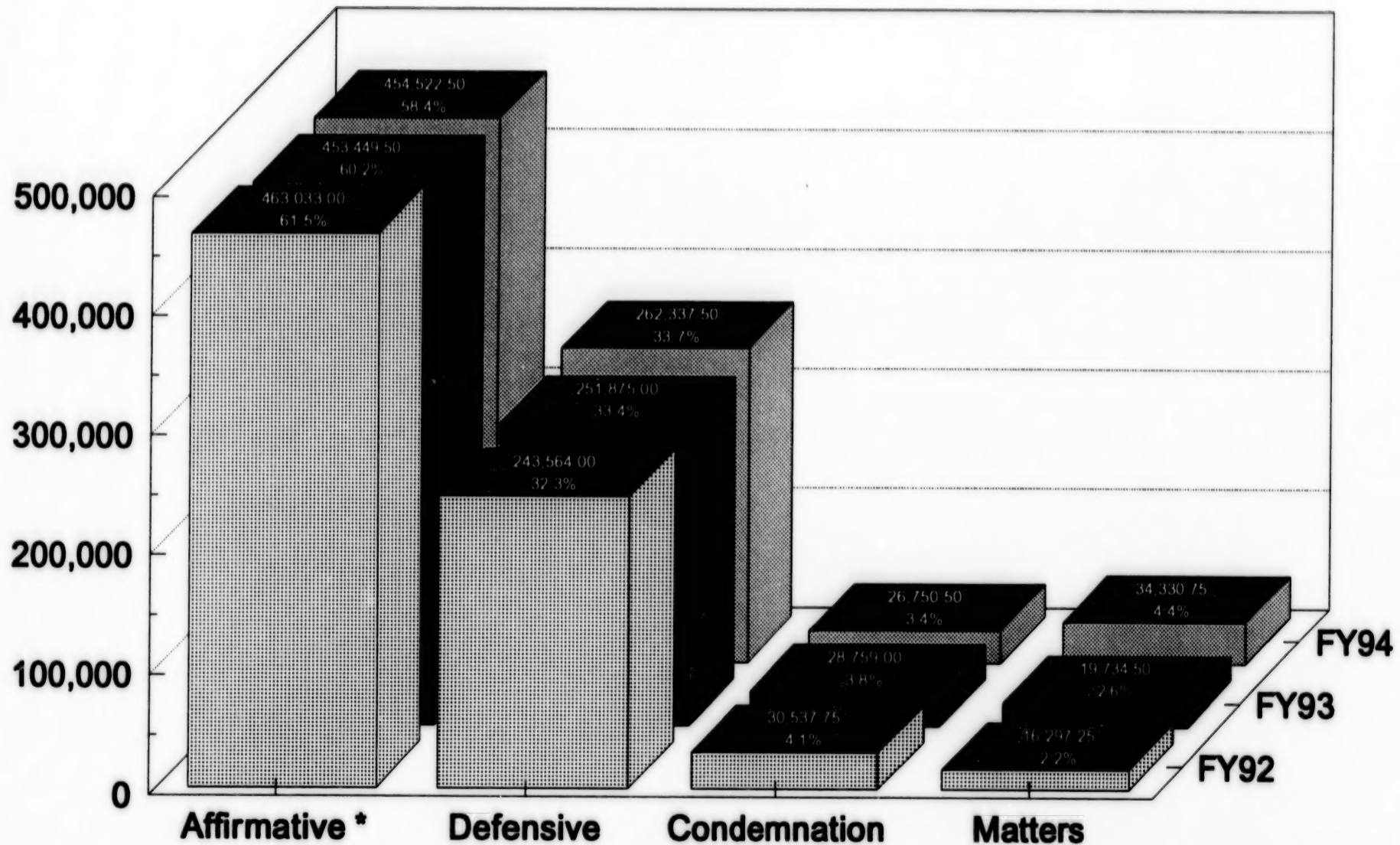
FY94
DIVISION ATTORNEY AND PARALEGAL TIME

(by Case Type)
(Includes Citizen Enforcement Suits)

Case Type	Cases With Time Billed	Total Hours	Average Hours Per Case	% of Total Time
Civil, Affirmative	2,045	396,937.50	194.10	51.02
Civil, Defensive	1,999	262,337.50	131.23	33.72
Condemnation/Title	997	26,750.50	26.83	3.44
Criminal	472	57,585.00	122.00	7.40
Matters	469	34,330.75	73.20	4.41
TOTAL	5,982	777,941.25	130.05	100.00

**BLANK
PAGE**

FY92 - FY94 **DIVISION ATTORNEY AND PARALEGAL TIME** **(by Case Type)**



* Affirmative cases include civil affirmative, civil contempt, criminal and citizen enforcement suit cases.

FY92 Total Hours: 753,432.00
 FY93 Total Hours: 753,818.00
 FY94 Total Hours: 777,941.25

FY94
DIVISION ATTORNEY AND PARALEGAL TIME
 (by Client Agency)

AGENCY	CASES WORKED ON	TOTAL HOURS BILLED TO CASES	AVG HRS PER CASE	% OF TOTAL TIME
AGRICULTURE	194	32,257.25	166.27	4.1
AIR FORCE	69	5,815.75	84.29	0.7
ARMY	550	46,976.75	85.41	6.0
COMMERCE	161	22,126.25	137.43	2.8
DEFENSE	85	13,425.25	157.94	1.7
ENERGY	74	7,720.75	104.33	1.0
ENVIRON PROTECTION AGENCY	2,442	391,572.75	160.35	50.3
EXECUTIVE OFFICE OF PRESIDENT	6	726.75	121.13	0.1
FED EMERGENCY MGMT AGENCY	225	374.75	1.67	0.0
GENERAL SERVICES ADMIN	73	10,039.00	137.52	1.3
HEALTH AND HUMAN SERVICES	12	1,421.00	118.42	0.2
INTERSTATE COMMERCE COMM	9	555.75	61.75	0.1
INTERIOR	1,266	162,334.00	128.23	20.9
JUSTICE	378	42,728.50	113.04	5.5
NAVY	106	11,690.25	110.29	1.5
POSTAL SERVICE	13	468.25	36.02	0.1
SMALL BUSINESS ADMINISTRATION	5	565.50	113.10	0.1
STATE	16	1,381.50	86.34	0.2
TRANSPORTATION	123	13,247.00	107.70	1.7
WASH MET AREA TRANSIT AUTH	42	3,524.25	83.91	0.5
OTHER *	133	8,990.00	67.59	1.2
TOTAL:	5,982	777,941.25	130.05	100.0

* Includes agencies with less than 350 hours billed and some legislative, congressional and policy issues where there is no client agency assigned.

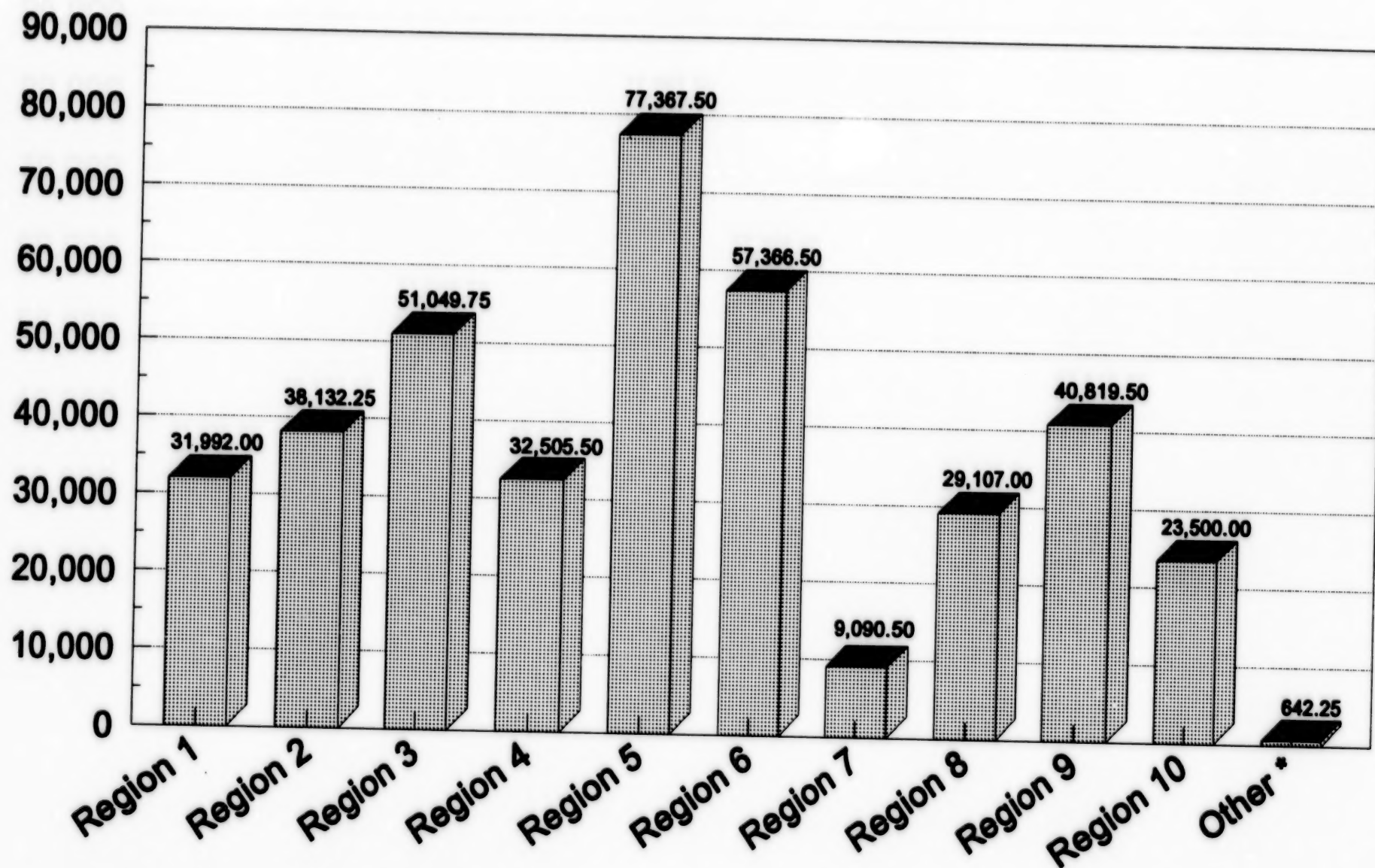
**BLANK
PAGE**

FY94
SECTION ATTORNEY AND PARALEGAL TIME
 (by Client Agency)

AGENCY	ADMIN (Lit Sup)	APPELLATE	ENV CRIMES	ENV DEFENSE	ENV ENFORCE	GENERAL LITIGATION	INDIAN RESOURCES	LAND AQUIS	PLSL	SPECIAL LIT	WILDLIFE	TOTAL
AGRICULTURE	21.25	5,691.25	.00	2,793.75	440.25	20,015.75	.00	37.50	333.00	78.00	2,846.50	32,257.25
AIR FORCE	40.25	699.00	.00	2,893.00	157.00	1,511.75	.00	548.00	4.00	.00	.00	5,815.75
ARMY	4,506.50	4,882.75	271.75	18,846.50	1,107.25	12,824.00	.00	3,669.75	87.25	710.00	71.00	46,976.75
COMMERCE	504.50	3,355.25	.00	5,006.00	2,822.00	1,359.25	.00	76.25	2,044.50	2,030.50	4,928.00	22,126.25
DEFENSE	236.00	978.25	1,392.00	9,643.25	53.50	1,119.25	.00	.00	.00	.00	3.00	13,425.25
ENERGY	3.00	1,250.75	.00	1,422.75	32.50	1,143.25	.00	3,725.00	113.50	14.00	16.00	7,720.75
ENVIRON PROTECTION AGENCY	7,879.75	7,336.00	25,265.00	43,046.50	301,777.00	3,977.75	.00	745.75	1,506.75	3.00	35.25	391,572.75
EXECUTIVE OFFICE OF PRES	.00	21.50	.00	.00	.00	286.00	.00	.00	419.25	.00	.00	726.75
FED EMERGENCY MGMT AGENCY	.00	6.00	.00	.00	.00	2.50	.00	352.25	.00	.00	14.00	374.75
GENERAL SERVICES ADMIN	191.75	225.25	.00	6,138.25	40.50	629.75	.00	2,767.00	46.50	.00	.00	10,039.00
HEALTH AND HUMAN SERVICES	.00	6.00	.00	750.00	.00	492.50	171.00	1.50	.00	.00	.00	1,421.00
INTERSTATE COMMERCE COMM	.00	205.00	.00	.00	.00	349.00	.00	.00	.00	.00	1.75	555.75
INTERIOR	4,456.75	16,128.00	298.50	7,960.00	12,361.25	69,682.25	21,520.00	7,268.75	738.00	1,117.00	20,803.50	162,334.00
JUSTICE	888.00	931.50	16,408.50	383.50	5,238.00	2,892.00	78.50	2,193.25	13,614.50	.00	100.75	42,728.50
NAVY	196.00	138.25	780.50	6,768.50	62.50	2,370.25	.00	1,307.50	31.75	.00	35.00	11,690.25
POSTAL SERVICE	.00	3.50	.00	291.75	1.25	154.75	.00	17.00	.00	.00	.00	468.25
SMALL BUSINESS ADMINISTRATION	.00	.00	.00	535.50	30.00	.00	.00	.00	.00	.00	.00	565.50
STATE	.00	258.50	.00	.00	30.50	61.00	429.25	4.00	593.25	.00	5.00	1,381.50
TRANSPORTATION	1.00	2,292.00	92.00	4,972.75	2,020.00	3,190.75	.00	467.00	108.50	.00	103.00	13,247.00
WASH MET AREA TRANSIT AUTH	.00	200.25	.00	.00	.00	.00	.00	3,324.00	.00	.00	.00	3,524.25
OTHER*	66.25	265.00	1,603.75	536.25	28.50	373.00	41.50	464.00	5,568.25	.00	6.25	8,990.00
TOTAL	18,991.00	44,874.00	46,112.00	111,988.25	326,202.00	122,434.75	22,240.25	26,968.50	25,209.00	3,952.50	28,969.00	777,941.25

* Includes agencies with less than 350 hours billed and some legislative, congressional and policy issues where there is no client agency assigned.

FY94 DIVISION ATTORNEY AND PARALEGAL TIME ON EPA CASES (by EPA Region)



* Includes original Appellate cases and matters that are not assigned to a particular EPA region.

Total: 391,572.75

FY94 DIVISION ATTORNEY AND PARALEGAL TIME

(by Judicial District in Alphabetical Order)

Includes time billed by Litigation Support Specialists and Special Litigation Counsel

DISTRICT	CASES	TOTAL HOURS	AVG HOURS	% OF TOTAL TIME
ALABAMA, MIDDLE	5	429.50	85.90	.06
ALABAMA, NORTHERN	32	1,110.25	34.70	.14
ALABAMA, SOUTHERN	17	1,641.75	96.57	.21
ALASKA	131	18,423.50	140.64	2.37
ARIZONA	144	16,595.00	115.24	2.13
ARKANSAS, EASTERN	39	8,163.00	209.31	1.05
ARKANSAS, WESTERN	21	876.50	41.74	.11
CALIFORNIA, CENTRAL	144	28,213.75	195.93	3.63
CALIFORNIA, EASTERN	121	17,904.50	147.97	2.30
CALIFORNIA, NORTHERN	122	18,453.75	151.26	2.37
CALIFORNIA, SOUTHERN	39	8,921.25	228.75	1.15
COLORADO	139	33,533.50	241.25	4.31
CONNECTICUT	51	4,328.50	84.87	.56
DELAWARE	25	2,450.00	98.00	.31
DISTRICT OF COLUMBIA	232	37,362.00	161.04	4.80
FLORIDA, MIDDLE	76	8,212.75	108.06	1.06
FLORIDA, NORTHERN	27	3,057.00	113.22	.39
FLORIDA, SOUTHERN	92	14,328.75	155.75	1.84
GEORGIA, MIDDLE	11	568.50	51.68	.07
GEORGIA, NORTHERN	39	2,269.00	58.18	.29
GEORGIA, SOUTHERN	14	573.25	40.95	.07
GUAM	15	823.50	54.90	.11
HAWAII	27	3,273.75	121.25	.42
IDaho	67	26,357.00	393.39	3.39
ILLINOIS, CENTRAL	11	1,062.25	96.57	.14
ILLINOIS, NORTHERN	71	8,212.75	115.67	1.06
ILLINOIS, SOUTHERN	124	4,500.25	36.29	.58
INDIANA, NORTHERN	67	12,108.25	180.72	1.56
INDIANA, SOUTHERN	41	3,268.00	79.71	.42
IOWA, NORTHERN	9	1,349.00	149.89	.17
IOWA, SOUTHERN	29	1,268.75	43.75	.16
KANSAS	34	3,103.50	91.28	.40
KENTUCKY, EASTERN	75	5,075.00	67.67	.65
KENTUCKY, WESTERN	43	3,348.50	77.87	.43

FY94 DIVISION ATTORNEY AND PARALEGAL TIME

(by Judicial District in Alphabetical Order)
(Continued)

Includes time billed by Litigation Support Specialists and Special Litigation Counsel

DISTRICT	CASES	TOTAL HOURS	AVG HOURS	% OF TOTAL TIME
LOUISIANA, EASTERN	46	3,969.50	86.29	.51
LOUISIANA, MIDDLE	30	3,110.25	103.68	.40
LOUISIANA, WESTERN	57	31,839.75	558.59	4.09
MAINE	29	1,135.75	39.16	.15
MARYLAND	86	6,269.25	72.90	.81
MASSACHUSETTS	131	17,115.00	130.65	2.20
MICHIGAN, EASTERN	92	9,621.75	104.58	1.24
MICHIGAN, WESTERN	76	14,726.75	193.77	1.89
MINNESOTA	53	10,541.50	198.90	1.36
MISSISSIPPI, NORTHERN	20	480.25	24.01	.06
MISSISSIPPI, SOUTHERN	52	1,111.75	21.38	.14
MISSOURI, EASTERN	70	3,231.25	46.16	.42
MISSOURI, WESTERN	28	929.50	33.20	.12
MONTANA	104	17,052.25	163.96	2.19
NORTH CAROLINA, EASTERN	40	987.75	24.69	.13
NORTH CAROLINA, MIDDLE	17	3,354.00	197.29	.43
NORTH CAROLINA, WESTERN	16	4,222.50	263.91	.54
NEBRASKA	15	1,067.50	71.17	.14
NEVADA	76	10,559.50	138.94	1.36
NEW HAMPSHIRE	35	5,880.50	168.01	.76
NEW JERSEY	149	25,175.00	168.96	3.24
NEW MEXICO	81	7,892.25	97.44	1.01
NEW YORK, EASTERN	40	1,839.50	45.99	.24
NEW YORK, NORTHERN	48	6,455.00	134.48	.83
NEW YORK, SOUTHERN	51	2,613.00	51.24	.34
NEW YORK, WESTERN	40	7,972.00	199.30	1.02
NORTH DAKOTA	18	2,507.25	139.29	.32
OHIO, NORTHERN	101	9,001.25	89.12	1.16
OHIO, SOUTHERN	65	16,244.25	249.91	2.09
OKLAHOMA, EASTERN	49	716.75	14.63	.09
OKLAHOMA, NORTHERN	35	1,653.00	47.23	.21
OKLAHOMA, WESTERN	33	2,685.75	81.39	.35

FY94 DIVISION ATTORNEY AND PARALEGAL TIME

(by Judicial District in Alphabetical Order)
(Continued)

Includes time billed by Litigation Support Specialists and Special Litigation Counsel

DISTRICT	CASES	TOTAL HOURS	AVG HOURS	% OF TOTAL TIME
OREGON	117	19,802.75	169.25	2.55
ORIGINAL APPEAL	278	18,591.25	66.88	2.39
PENNSYLVANIA, EASTERN	128	16,065.50	125.51	2.07
PENNSYLVANIA, MIDDLE	53	8,557.25	161.46	1.10
PENNSYLVANIA, WESTERN	83	9,135.75	110.07	1.17
PUERTO RICO	45	8,555.75	190.13	1.10
RHODE ISLAND	30	8,356.75	278.56	1.07
SOUTH CAROLINA	64	11,000.25	171.88	1.41
SOUTH DAKOTA	26	2,272.00	87.38	.29
SUPREME COURT ORIG	1	119.00	119.00	.02
TENNESSEE, EASTERN	37	2,847.75	76.97	.37
TENNESSEE, MIDDLE	3	217.50	72.50	.03
TENNESSEE, WESTERN	11	339.50	30.86	.04
TEXAS, EASTERN	35	5,382.25	153.78	.69
TEXAS, NORTHERN	47	6,590.75	140.23	.85
TEXAS, SOUTHERN	109	19,746.50	181.16	2.54
TEXAS, WESTERN	36	8,263.00	229.53	1.06
UTAH	72	7,184.75	99.79	.92
VERMONT	10	689.00	68.90	.09
VIRGIN ISLANDS	16	1,979.00	123.69	.25
VIRGINIA, EASTERN	60	4,033.25	67.22	.52
VIRGINIA, WESTERN	23	2,558.75	111.25	.33
WASHINGTON, EASTERN	50	6,931.00	138.62	.89
WASHINGTON, WESTERN	150	23,541.25	156.94	3.03
WEST VIRGINIA, NORTHERN	45	8,453.00	187.84	1.09
WEST VIRGINIA, SOUTHERN	37	3,007.25	81.28	.39
WISCONSIN, EASTERN	34	2,614.50	76.90	.34
WISCONSIN, WESTERN	28	2,736.00	97.71	.35
WYOMING	35	9,108.00	260.23	1.17
UNIDENTIFIED	402	26,134.25	65.01	3.36
TOTAL ALL DISTRICTS:	5,982	777,941.25	130.05	100.00

NOTE: There are 40,526.75 hours billed to Court of Federal Claims cases assigned to the General Litigation Section. These hours are dispersed under the judicial district in which the case originated.

FY94

DIVISION ATTORNEY AND PARALEGAL TIME

(by Judicial District in Descending Order by Hours Billed)

Includes time billed by Litigation Support Specialists and Special Litigation Counsel

DISTRICT	CASES	TOTAL HOURS	AVG HOURS	% OF TOTAL TIME
DISTRICT OF COLUMBIA	232	37,362.00	161.04	4.80
COLORADO	139	33,533.50	241.25	4.31
LOUISIANA, WESTERN	57	31,839.75	558.59	4.09
CALIFORNIA, CENTRAL	144	28,213.75	195.93	3.63
IDAHO	67	26,357.00	393.39	3.39
UNIDENTIFIED	402	26,134.25	65.01	3.36
NEW JERSEY	149	25,175.00	168.96	3.24
WASHINGTON, WESTERN	150	23,541.25	156.94	3.03
OREGON	117	19,802.75	169.25	2.55
TEXAS, SOUTHERN	109	19,746.50	181.16	2.54
ORIGINAL APPEAL	278	18,591.25	66.88	2.39
CALIFORNIA, NORTHERN	122	18,453.75	151.26	2.37
ALASKA	131	18,423.50	140.64	2.37
CALIFORNIA, EASTERN	121	17,904.50	147.97	2.30
MASSACHUSETTS	131	17,115.00	130.65	2.20
MONTANA	104	17,052.25	163.96	2.19
ARIZONA	144	16,595.00	115.24	2.13
OHIO, SOUTHERN	65	16,244.25	249.91	2.09
PENNSYLVANIA, EASTERN	128	16,065.50	125.51	2.07
MICHIGAN, WESTERN	76	14,726.75	193.77	1.89
FLORIDA, SOUTHERN	92	14,328.75	155.75	1.84
INDIANA, NORTHERN	67	12,108.25	180.72	1.56
SOUTH CAROLINA	64	11,000.25	171.88	1.41
NEVADA	76	10,559.50	138.94	1.36
MINNESOTA	53	10,541.50	198.90	1.36
MICHIGAN, EASTERN	92	9,621.75	104.58	1.24
PENNSYLVANIA, WESTERN	83	9,135.75	110.07	1.17
WYOMING	35	9,108.00	260.23	1.17
OHIO, NORTHERN	101	9,001.25	89.12	1.16
CALIFORNIA, SOUTHERN	39	8,921.25	228.75	1.15
PENNSYLVANIA, MIDDLE	53	8,557.25	161.46	1.10
PUERTO RICO	45	8,555.75	190.13	1.10
WEST VIRGINIA, NORTHERN	45	8,453.00	187.84	1.09
RHODE ISLAND	30	8,356.75	278.56	1.07

FY94
DIVISION ATTORNEY AND PARALEGAL TIME
 (by Judicial District in Descending Order by Hours Billed)
 (Continued)

Includes time billed by Litigation Support Specialists and Special Litigation Counsel

DISTRICT	CASES	TOTAL HOURS	AVG HOURS	% OF TOTAL TIME
TEXAS, WESTERN	36	8,263.00	229.53	1.06
ILLINOIS, NORTHERN	71	8,212.75	115.67	1.06
FLORIDA, MIDDLE	76	8,212.75	108.06	1.06
ARKANSAS, EASTERN	39	8,163.00	209.31	1.05
NEW YORK, WESTERN	40	7,972.00	199.30	1.02
NEW MEXICO	81	7,892.25	97.44	1.01
UTAH	72	7,184.75	99.79	.92
WASHINGTON, EASTERN	50	6,931.00	138.62	.89
TEXAS, NORTHERN	47	6,590.75	140.23	.85
NEW YORK, NORTHERN	48	6,455.00	134.48	.83
MARYLAND	86	6,269.25	72.90	.81
NEW HAMPSHIRE	35	5,880.50	168.01	.76
TEXAS, EASTERN	35	5,382.25	153.78	.69
KENTUCKY, EASTERN	75	5,075.00	67.67	.65
ILLINOIS, SOUTHERN	124	4,500.25	36.29	.58
CONNECTICUT	51	4,328.50	84.87	.56
NORTH CAROLINA, WESTERN	16	4,222.50	263.91	.54
VIRGINIA, EASTERN	60	4,033.25	67.22	.52
LOUISIANA, EASTERN	46	3,969.50	86.29	.51
NORTH CAROLINA, MIDDLE	17	3,354.00	197.29	.43
KENTUCKY, WESTERN	43	3,348.50	77.87	.43
HAWAII	27	3,273.75	121.25	.42
INDIANA, SOUTHERN	41	3,268.00	79.71	.42
MISSOURI, EASTERN	70	3,231.25	46.16	.42
LOUISIANA, MIDDLE	30	3,110.25	103.68	.40
KANSAS	34	3,103.50	91.28	.40
FLORIDA, NORTHERN	27	3,057.00	113.22	.39
WEST VIRGINIA, SOUTHERN	37	3,007.25	81.28	.39
TENNESSEE, EASTERN	37	2,847.75	76.97	.37
WISCONSIN, WESTERN	28	2,736.00	97.71	.35
OKLAHOMA, WESTERN	33	2,685.75	81.39	.35
WISCONSIN, EASTERN	34	2,614.50	76.90	.34
NEW YORK, SOUTHERN	51	2,613.00	51.24	.34

FY94
DIVISION ATTORNEY AND PARALEGAL TIME
 (by Judicial District in Descending Order by Hours Billed)
 (Continued)

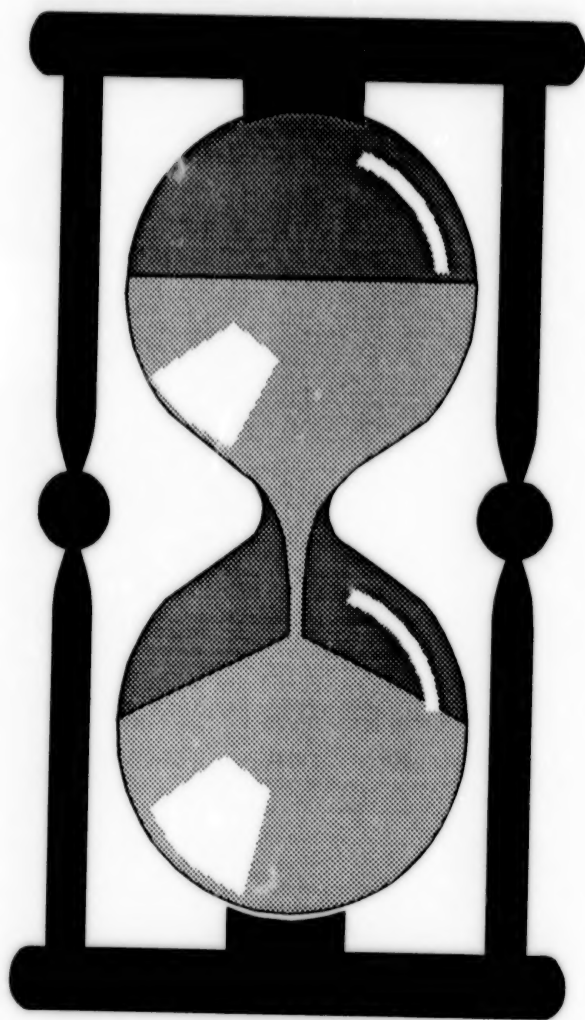
Includes time billed by Litigation Support Specialists and Special Litigation Counsel

DISTRICT	CASES	TOTAL HOURS	AVG HOURS	% OF TOTAL TIME
VIRGINIA, WESTERN	23	2,558.75	111.25	.33
NORTH DAKOTA	18	2,507.25	139.29	.32
DELAWARE	25	2,450.00	98.00	.31
SOUTH DAKOTA	26	2,272.00	87.38	.29
GEORGIA, NORTHERN	39	2,269.00	58.18	.29
VIRGIN ISLANDS	16	1,979.00	123.69	.25
NEW YORK, EASTERN	40	1,839.50	45.99	.24
OKLAHOMA, NORTHERN	35	1,653.00	47.23	.21
ALABAMA, SOUTHERN	17	1,641.75	96.57	.21
IOWA, NORTHERN	9	1,349.00	149.89	.17
IOWA, SOUTHERN	29	1,268.75	43.75	.16
MAINE	29	1,135.75	39.16	.15
MISSISSIPPI, SOUTHERN	52	1,111.75	21.38	.14
ALABAMA, NORTHERN	32	1,110.25	34.70	.14
NEBRASKA	15	1,067.50	71.17	.14
ILLINOIS, CENTRAL	11	1,062.25	96.57	.14
NORTH CAROLINA, EASTERN	40	987.75	24.69	.13
MISSOURI, WESTERN	28	929.50	33.20	.12
ARKANSAS, WESTERN	21	876.50	41.74	.11
GUAM	15	823.50	54.90	.11
OKLAHOMA, EASTERN	49	716.75	14.63	.09
VERMONT	10	689.00	68.90	.09
GEORGIA, SOUTHERN	14	573.25	40.95	.07
GEORGIA, MIDDLE	11	568.50	51.68	.07
MISSISSIPPI, NORTHERN	20	480.25	24.01	.06
ALABAMA, MIDDLE	5	429.50	85.90	.06
TENNESSEE, WESTERN	11	339.50	30.86	.04
TENNESSEE, MIDDLE	3	217.50	72.50	.03
SUPREME COURT ORIG	1	119.00	119.00	.02
TOTAL ALL DISTRICTS:	5,982	777,941.25	130.05	100.00

NOTE: There are 40,526.75 hours billed to Court of Federal Claims cases assigned to the General Litigation Section. These hours are dispersed under the judicial district in which the case originated.

Section 4

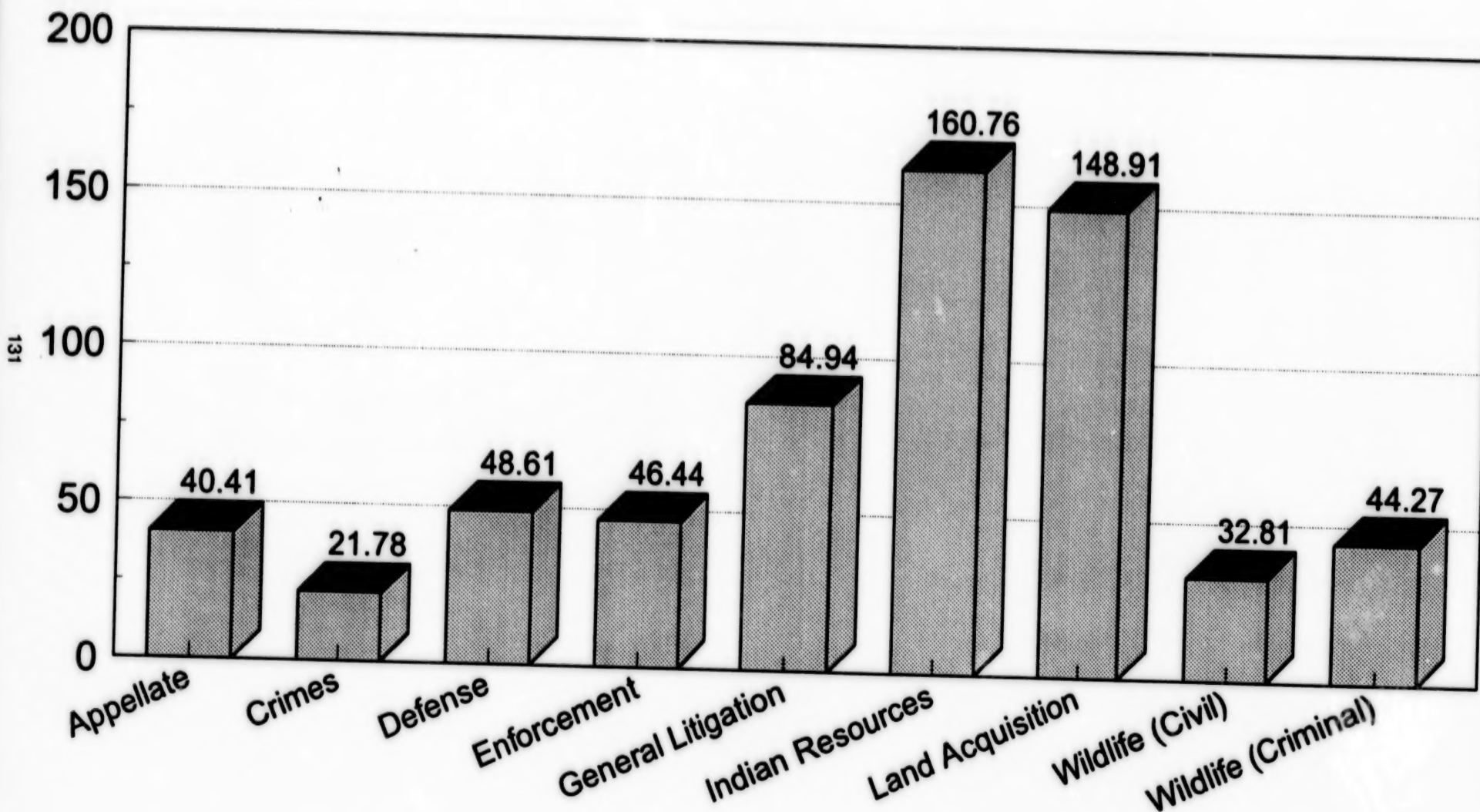
Case Duration



**BLANK
PAGE**

AVERAGE NUMBER OF MONTHS CASES ARE OPEN

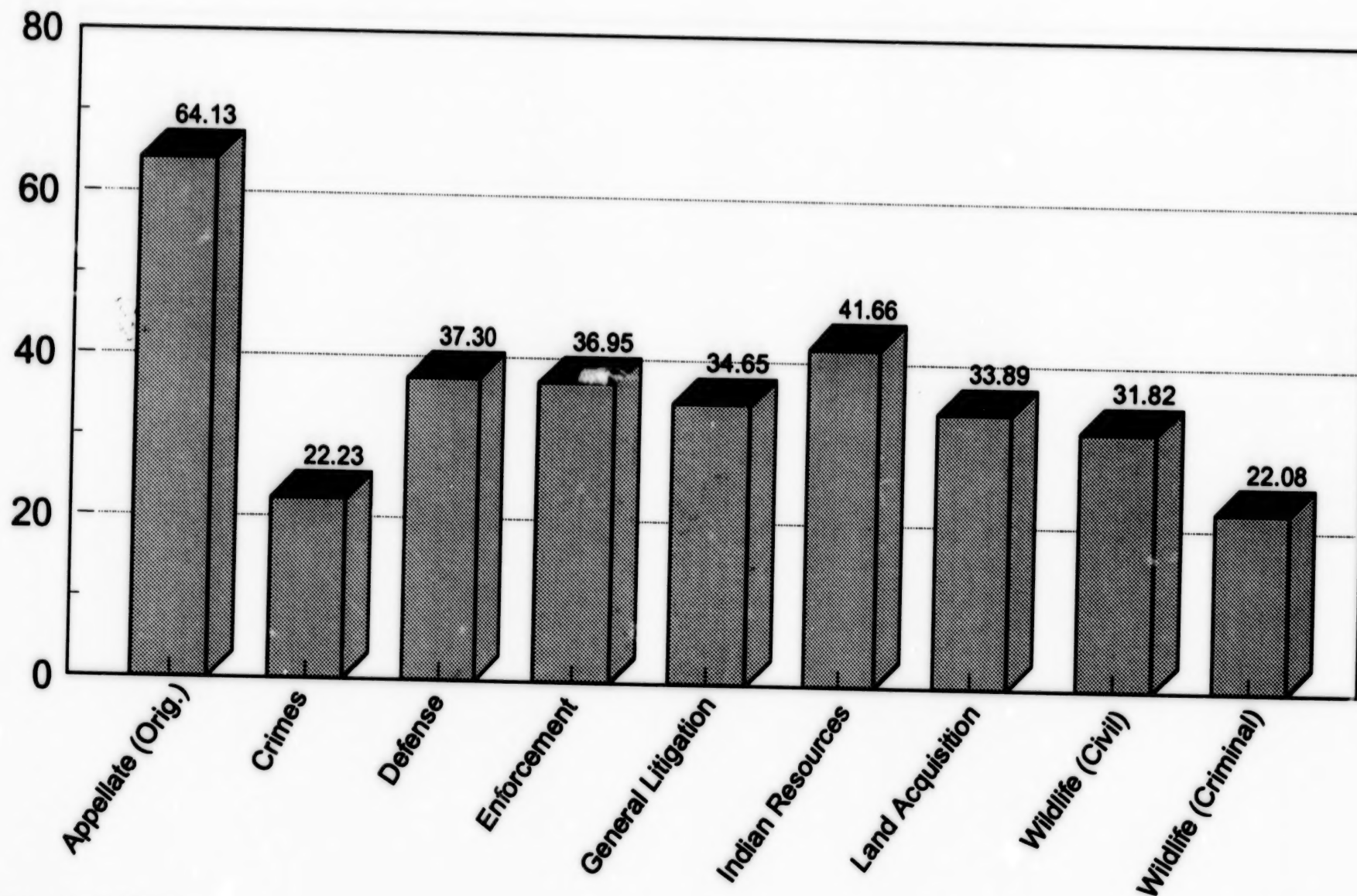
(by Section)



Based on FY94 closings.

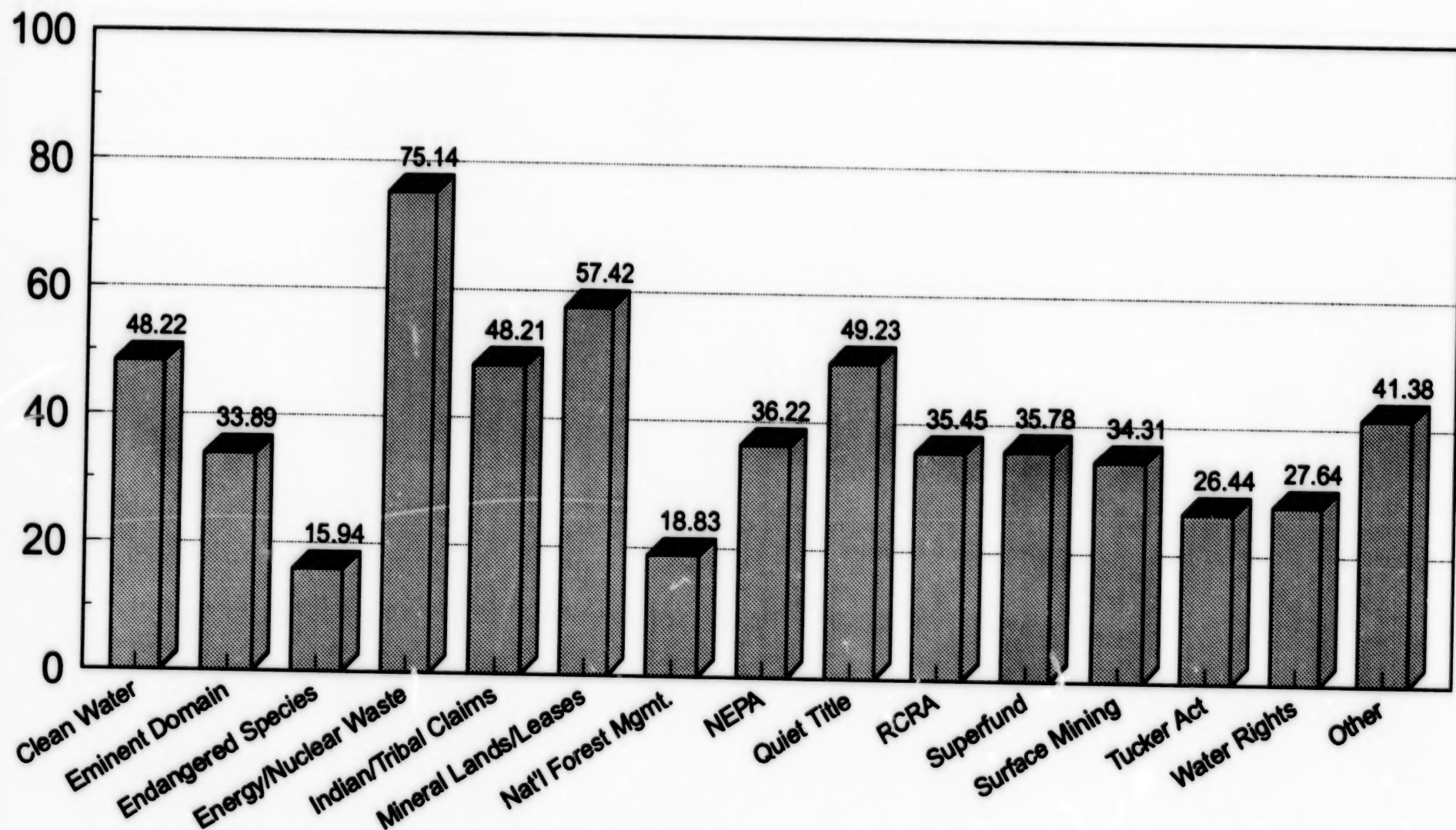
AVERAGE NUMBER OF MONTHS CASES ARE ON APPEAL

(by Section)



Based on FY94 closings.

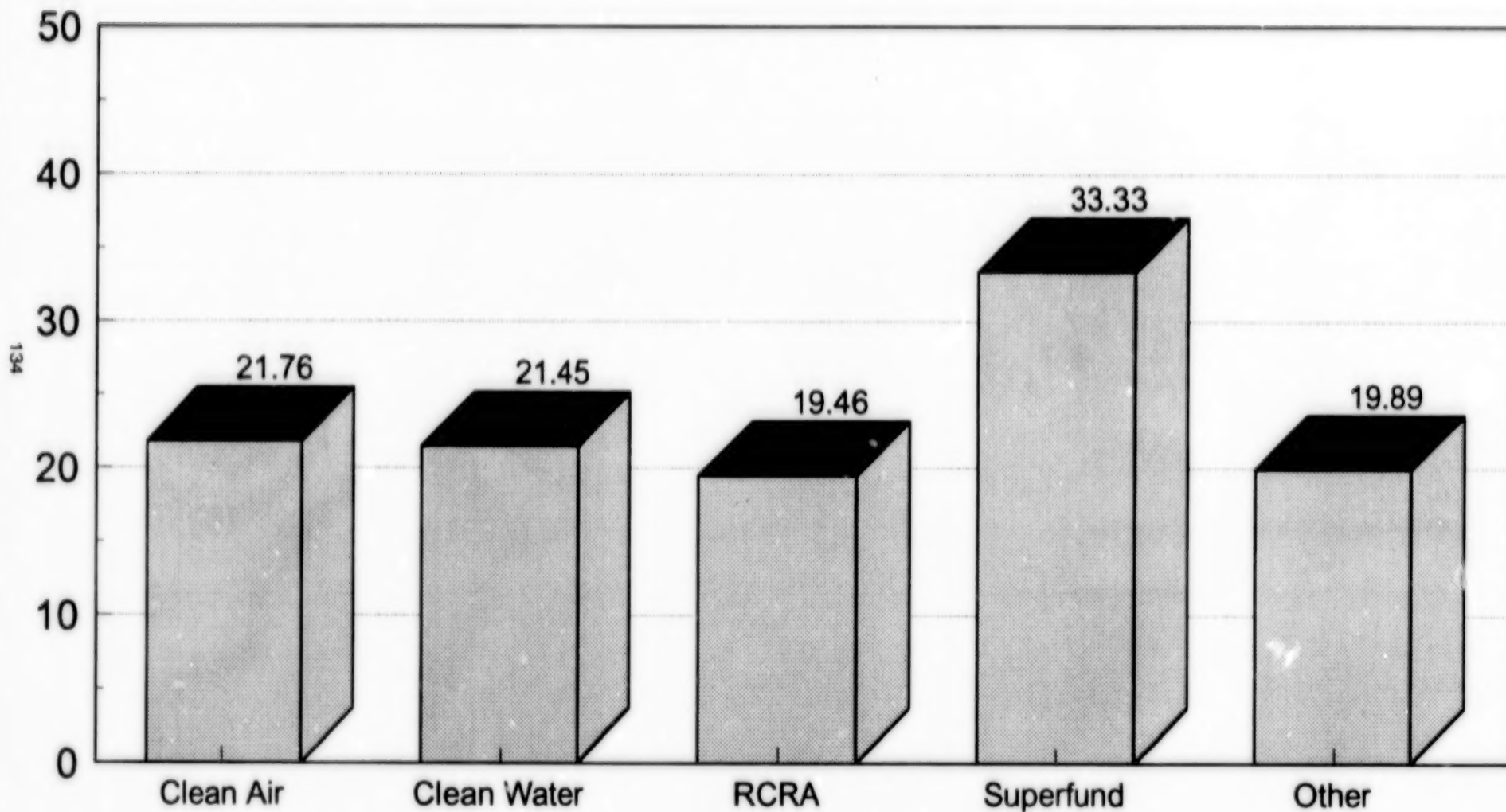
APPELLATE SECTION AVERAGE NUMBER OF MONTHS TYPES OF CASES ARE OPEN



Based on FY94 closings with 7 or more appeals per category.

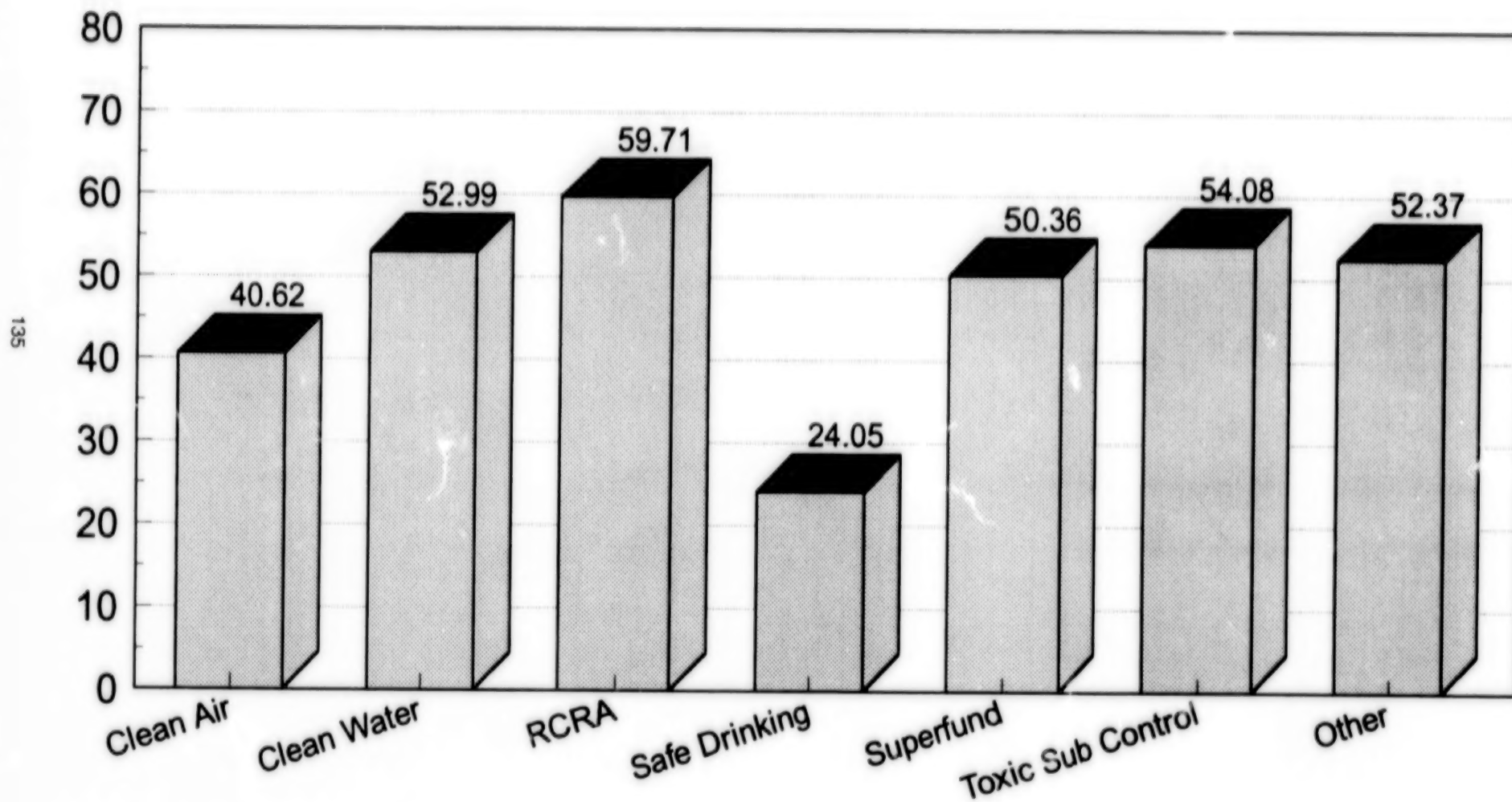
**BLANK
PAGE**

**ENVIRONMENTAL CRIMES SECTION
AVERAGE NUMBER OF MONTHS TYPES OF CASES ARE OPEN**



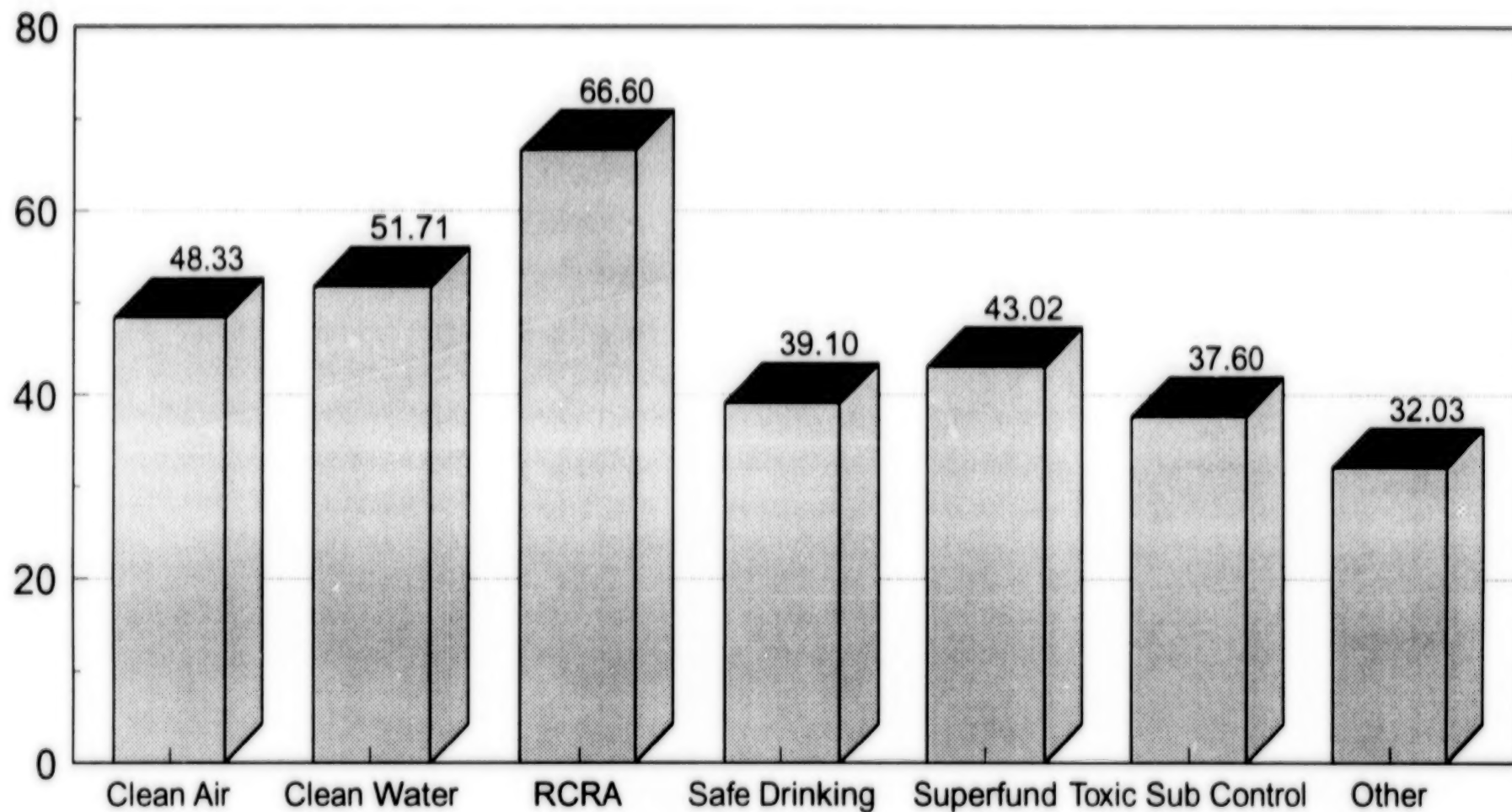
Based on FY94 closings with 8 or more cases per category.

ENVIRONMENTAL DEFENSE SECTION AVERAGE NUMBER OF MONTHS TYPES OF CASES ARE OPEN



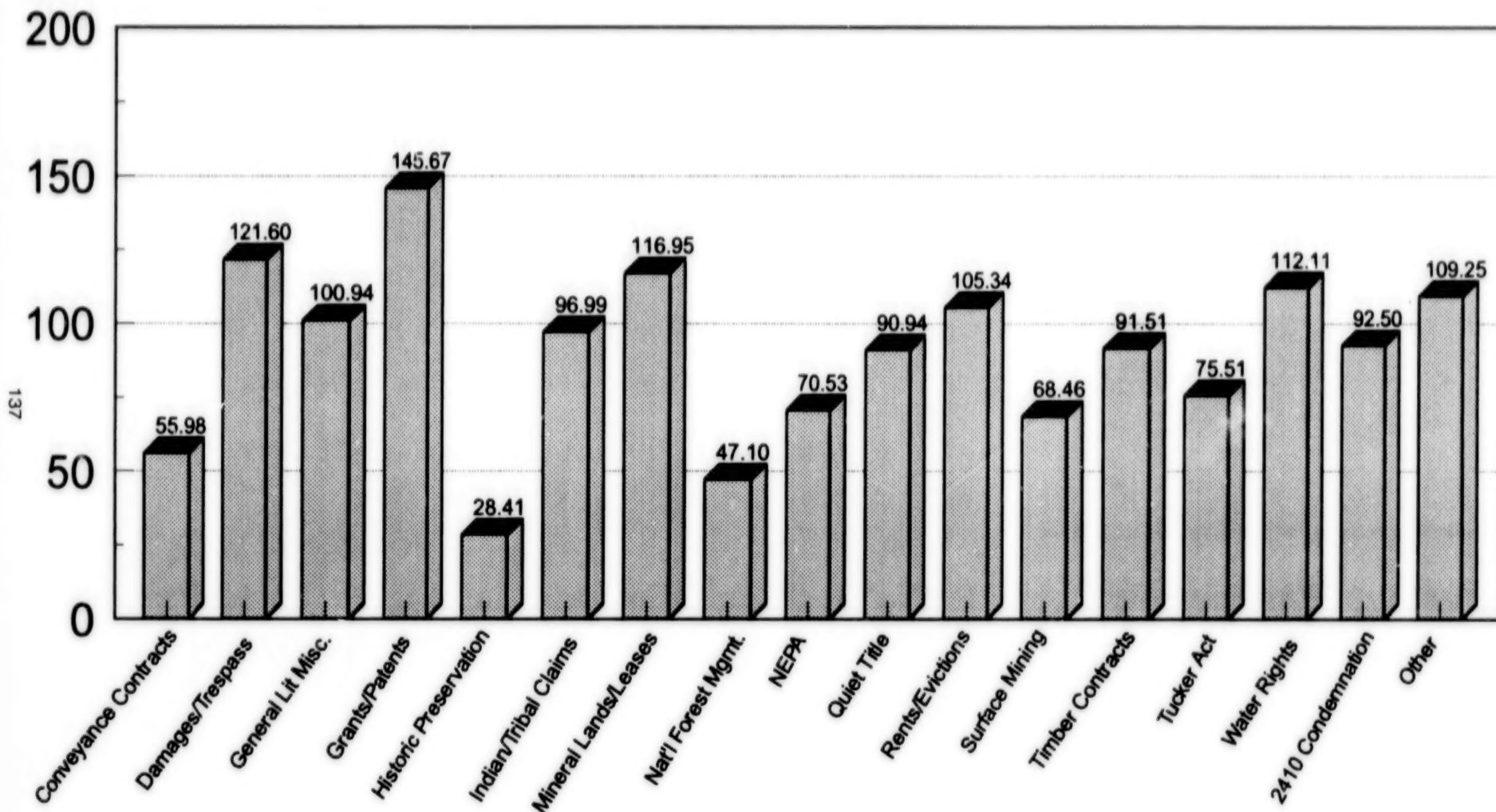
Based on FY94 closings with 5 or more cases per category.

**ENVIRONMENTAL ENFORCEMENT SECTION
AVERAGE NUMBER OF MONTHS TYPES OF CASES ARE OPEN**



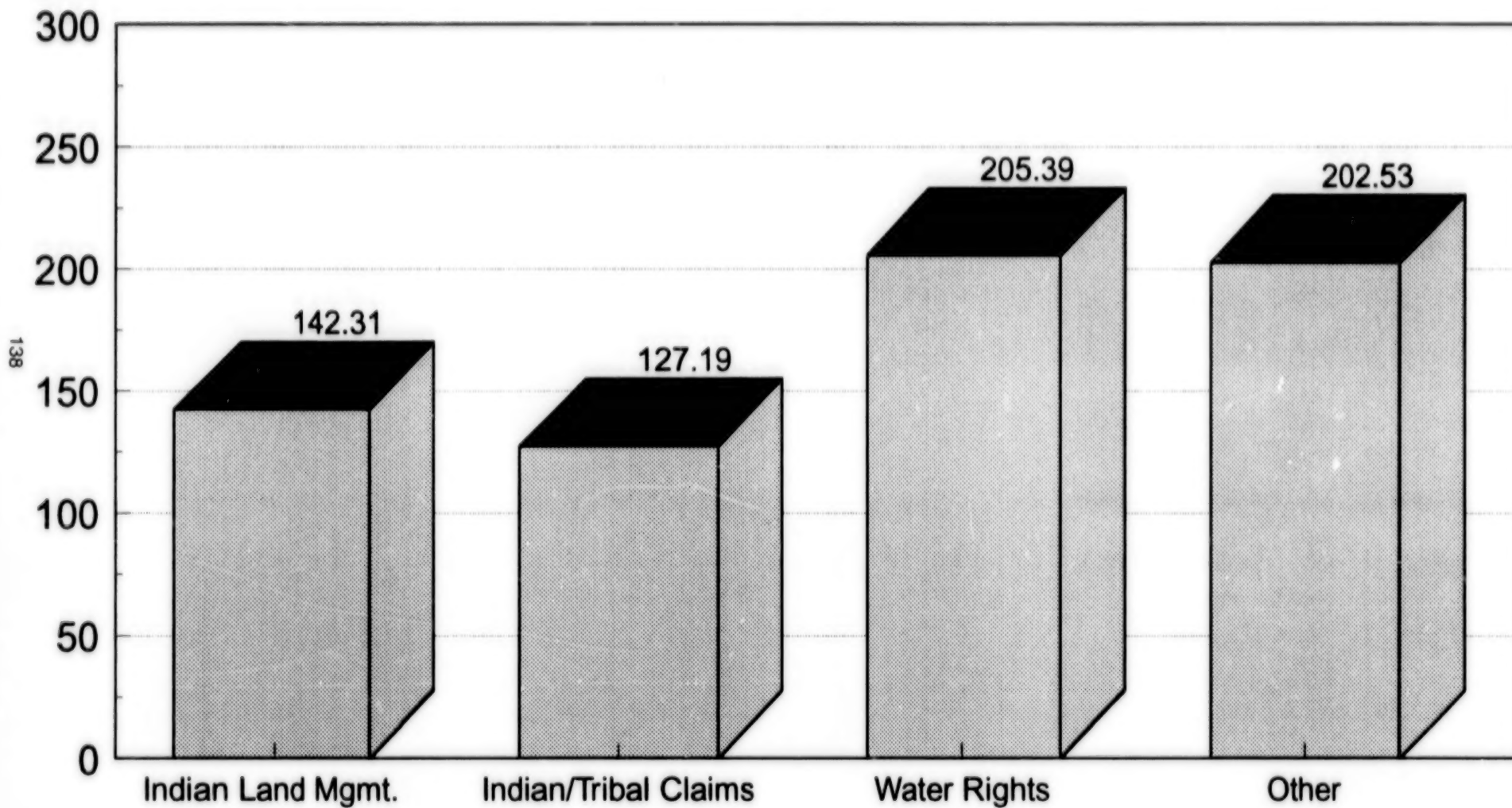
Based on FY94 closings with 9 or more cases per category.

GENERAL LITIGATION SECTION AVERAGE NUMBER OF MONTHS TYPES OF CASES ARE OPEN



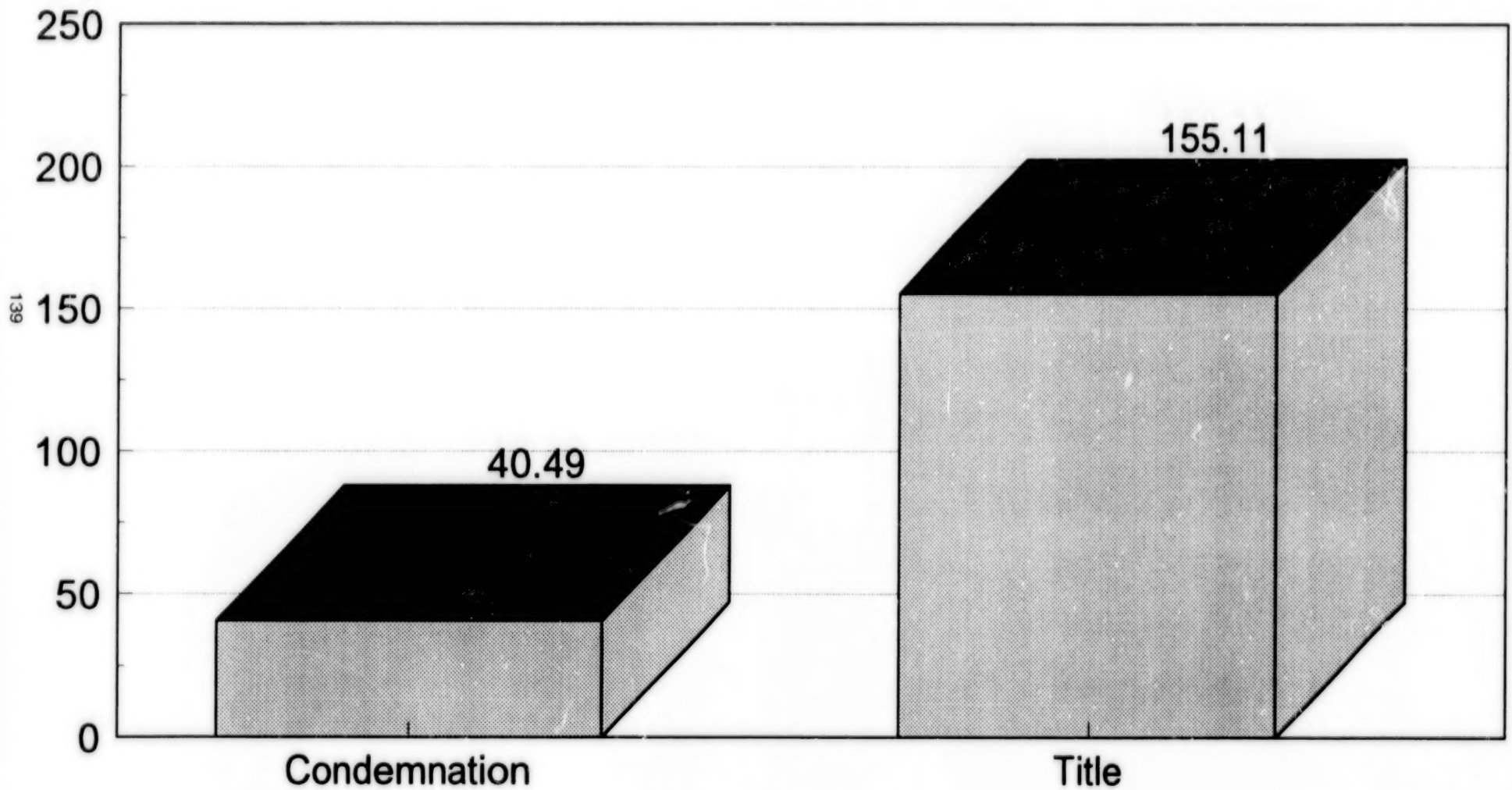
Based on FY94 closings with 5 or more cases per category.

**INDIAN RESOURCES SECTION
AVERAGE NUMBER OF MONTHS TYPES OF CASES ARE OPEN**



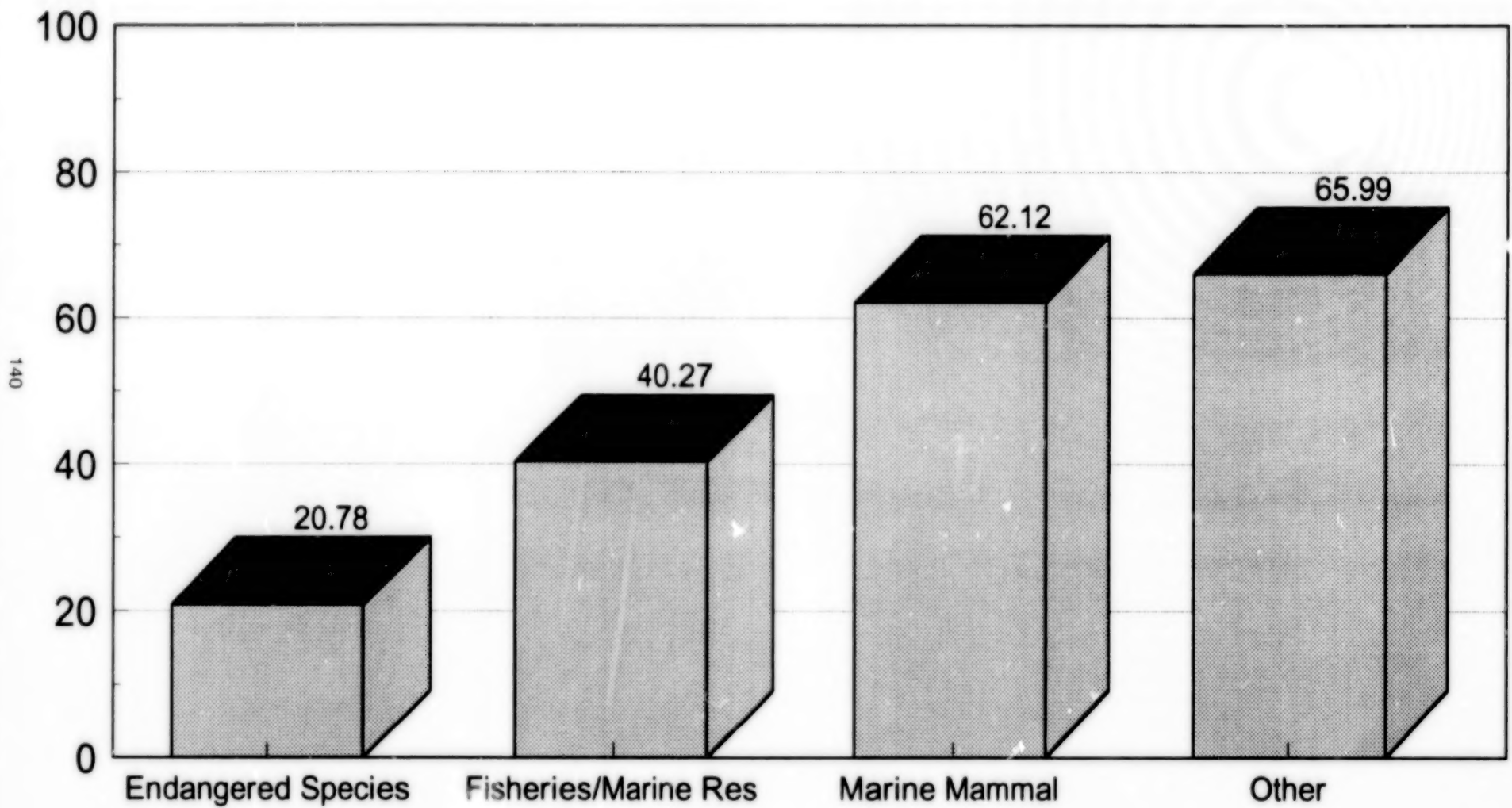
Based on FY94 closings with 6 or more cases per category.

**LAND ACQUISITION SECTION
AVERAGE NUMBER OF MONTHS TYPES OF CASES ARE OPEN**



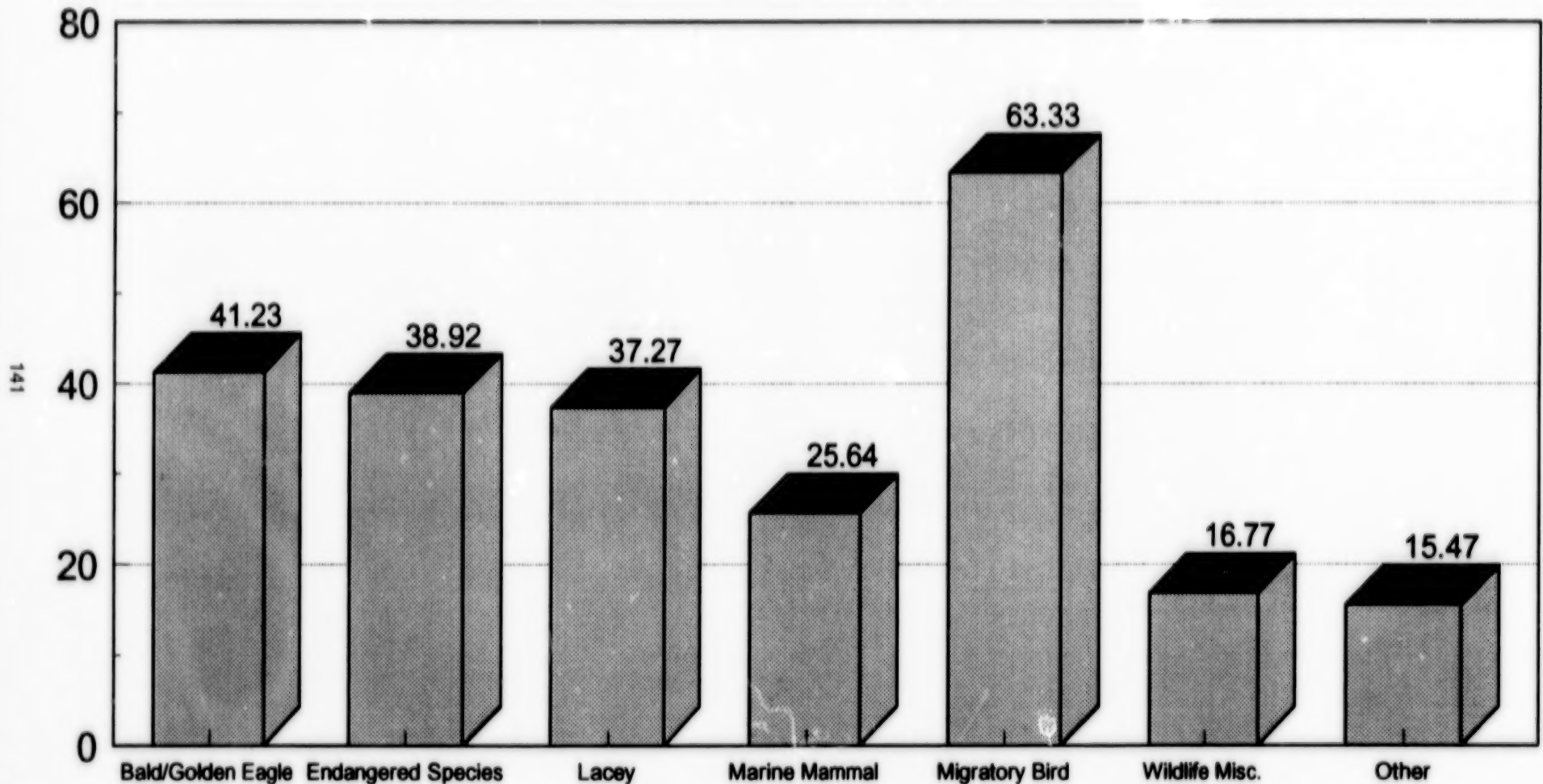
Based on FY94 closings.

WILDLIFE AND MARINE RESOURCES SECTION
AVERAGE NUMBER OF MONTHS TYPES OF CASES ARE OPEN
(Civil Cases)



Based on FY94 closings with 8 or more cases per category.

WILDLIFE AND MARINE RESOURCES SECTION
AVERAGE NUMBER OF MONTHS TYPES OF CASES ARE OPEN
(Criminal Cases)



Based on FY94 closings with 6 or more cases per category.

141

GLOSSARY

CASE ASSIGNMENT TYPES:

<i>Coordinated</i>	<i>An action that is shared between the Division and another legal division or an action that is shared between two or more Environment Division sections.</i>
<i>Direct</i>	<i>An action that is forwarded to the USAO directly from the client agency and is to be handled exclusively by the USAO.</i>
<i>Field</i>	<i>An action that is forwarded to the USAO by the Division and is to be handled exclusively by the USAO. These cases are monitored on a regular basis by the Division.</i>
<i>Joint</i>	<i>An action that is handled by both the Division and the USAO.</i>
<i>Low-Monitored</i>	<i>An action that is forwarded to the USAO by the Division and is to be handled exclusively by the USAO. These cases are minimally supervised or monitored by the Division.</i>
<i>Staff</i>	<i>An action that is handled exclusively by the Division.</i>
CITIZEN ENFORCEMENT SUIT	<i>A lawsuit filed by a person or organization against a non-federal entity is included in the "citizen enforcement suit" category. A lawsuit filed by a person or organization against the United States or one of its agencies is included in the "civil, defensive" category.</i>
MATTERS	<i>Some legislative, congressional and policy issues, FOIA requests, and other actions which have not been filed or are not intended to be filed in court, but which have been entered in the case tracking system.</i>
PENDING	<i>Pending-begin and pending-end figures include cases and matters that have not been closed in the case tracking system. Includes cases where a consent decree has been lodged but case or collection activity continues.</i>
PLSL SUPPLEMENTAL WORKLOAD	<i>PLSL's cases and matters which are not in the Division's case tracking system.</i>
CERCLA/SUPERFUND	<i>Includes both billable and non-billable Superfund cases. These terms are used interchangeably in this report.</i>

COMMENDATIONS

This report represents the combined effort of the Systems Group of the Executive Office and the litigating sections within the Environment Division.

This report would not be possible without the dedication and hard work put forth by the following individuals: Lynn Bain, Linda Bryant, Anthony Cherry, Becky Covington, Joe Davis, Bobbie Doster, Saundra Doyle, Andrea Elias, Sandra Elliott, Peggy Fenlon, Debbie Green, Bonnie Hardy, Germaine Harvey, Sharon Hitzelberg, Erica Kershaw, Georgia Kowlessar, Max Maynard, Annie Meadows, Maritza Neal, Rosemarie Pacheco, Diane Passero, Gail Robinson, Leslie Rogers, Cheryl Rose, Brenda Rossi, Chris Rowe, George Schubert, Ann Sloan, Annette Speaks, Dodie Steenland, Cora West, and Jean Whiting.

END

12-10-96